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Submission
to
THE ROYAL COMMISSION ON COAL (1959)
from
Department of Mines and Minerals
Government of the Province of Alberta

Calgary, Alberta - March 31, 1960

Exhibit 44

SUBMISSION

TO

THE ROYAL COMMISSION ON COAL (1959)

FROM

DEPARTMENT OF MINES AND MINERALS

GOVERNMENT OF THE PROVINCE OF ALBERTA

Presented by

H. H. Somerville
Deputy Minister of Mines and Minerals

Calgary, Alberta

March 31, 1960

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INTRODUCTION

The mineral resources owned by the Crown in that part of Canada now contained within the Province of Alberta were administered by the Department of the Interior of the Federal Government from 1870 until the transfer of the natural resources to the Province of Alberta in 1930.

The patents for lands granted as homesteads or sold on or before the 31st day of October, 1887, included the mines and minerals. On that day Order in Council No. 1070 was passed authorizing the Minister of the Interior to insert a clause in all patents for lands that were granted after October 31, 1887, reserving to her Majesty all mines and minerals which may be found to exist within, upon or under the lands, together with full power to work the same.

During the year 1881, applications were made to the Department of the Interior to lease coal, and by Order in Council No. 1687 of the 17th day of December, 1881, the Minister of the Interior was authorized to grant leases for the removal of coal subject to an annual rental of fifty cents an acre and a royalty of ten cents a ton on all coal taken out of the mine.

Because of representations by coal operators to buy coal lands the Bow River Coal District and the Belly River Coal District came into being by Order in Council No. 2424 of the 26th day of December, 1882, and within these districts the Minister of the Interior was authorized to sell land including coal by tender or public auction. As time went on, further coal districts were

created and purchase prices ranging from twenty dollars an acre to seven dollars an acre were prescribed in place of the public auction procedure. In 1901, the first regulations came into being requiring royalty on coal lands sold thereafter. In the same year, the rate of royalty was fixed at ten cents a ton of 2,000 pounds, and in 1915, the rate of royalty was reduced to seven cents a ton.

While some leases had been granted as early as 1881, the Federal Government in 1907 suspended the sale policy in favour of a leasehold policy and the leasehold policy has subsequently prevailed. From 1907 each coal lease granted by the Federal Government, whether in Dominion Lands, Park Lands or School Lands, provided for the payment of an annual rental of \$1.00 an acre and a royalty of 5 cents a ton on the merchantable output of the mine.

Consequently, in Alberta we have three main categories of coal properties;

1. freehold
2. freehold subject to a Crown Royalty, and
3. Crown leases subject to a Crown Royalty.

As well, those possessing freehold coal in Alberta have leased properties to coal operators reserving unto themselves a royalty on coal mined. These freehold leases are not of record in any Government office and are not dealt with in this submission.



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Coal in approximately 16 million acres are held in freehold and this represents about 10 per cent of the area of the Province.

Nicholas Sheran opened the first coal mine in what is now Alberta on the banks of the Oldman River near Lethbridge in 1872 and hauled coal from there to Benton, Montana, by ox train for a number of years. From this humble beginning the coal industry became the major mineral industry in Alberta. This position was held until 1950 when the valuation of oil produced exceeded that of coal.

Consequently this submission is mainly concerned with conditions which have prevailed in the last ten years.

RESERVES

Coals in Alberta range from near anthracite to poor quality sub-bituminous. Alberta's reserves of mineable coal have been estimated by Federal and Provincial officials at forty-eight billion net tons.

PRODUCTION

The high demand for energy fuels which developed during World War II resulted in a steady increase in Alberta's coal production which reached its peak in 1946 of 8,824,455 tons. Production remained fairly constant until 1951.

Table 1 shows the production and valuation of coal produced since 1949.

TABLE 1
PRODUCTION IN TONS AND VALUATION

<u>YEAR</u>	<u>UNDERGROUND</u>	<u>STRIP</u>	<u>TOTAL</u>	<u>VALUATION</u>
1949	5,675,027	2,941,956	8,616,983	\$44,541,538
1950	5,019,852	3,098,354	8,118,206	41,631,579
1951	4,832,162	2,829,114	7,661,276	41,000,953
1952	4,505,963	2,688,509	7,194,472	39,974,318
1953	3,382,230	2,535,193	5,917,423	32,158,435
1954	2,729,569	2,129,567	4,859,136	26,349,275
1955	2,352,343	2,104,235	4,456,578	23,486,399
1956	2,325,005	2,004,634	4,329,639	23,283,966
1957	1,770,482	1,384,872	3,155,354	17,287,229
1958	1,273,362	1,246,577	2,519,939	12,778,111
1959	1,335,164	1,214,353	2,549,517	12,892,747

Since 1950 rising costs of transportation and competition from oil and gas in markets previously supplied by coal were factors in the decline in coal consumption.

The bituminous mines were first affected, as the railways on which they depended for a steady market, commenced the conversion to diesel power units. The expansion of gas distribution systems and the increased supply of propane and fuel oil also had a deteriorating effect on the market for sub-bituminous coal and were factors in the closing of a number of underground mines. At the same time coal from strip mines was supplying a greater share of the available market.

Strip mining came into prominence during World War II when the Emergency Coal Production Board assisted a number of strip operations to supplement the tonnage produced by underground mines. That an increasingly large percentage is being produced by strip operations may be attributed to the higher production per man-day and consequent lower unit costs.

The relationship in terms of man-days - eight hour shifts - between underground and strip mines is indicated in Table 2

TABLE 2

COAL PRODUCTION IN TERMS OF MAN-DAYS

YEAR	UNDERGROUND MINES				STRIP MINES			
	<u>No. of Mines</u>	<u>Tons Mined</u>	<u>Man-Days</u>	<u>Tons Per Man-Day</u>	<u>No. of Mines</u>	<u>Tons Mined</u>	<u>Man-Days</u>	<u>Tons Per Man-Day</u>
1949	111	5,675,027	1,644,687	3.45	94	2,941,956	266,235	11.05
1950	108	5,019,852	1,478,479	3.40	99	3,098,354	256,837	12.06
1951	103	4,832,162	1,397,300	3.46	76	2,829,114	285,761	9.90
1952	90	4,505,963	1,273,729	3.54	67	2,688,509	248,535	10.82
1953	81	3,382,230	953,937	3.54	65	2,535,193	187,592	13.51
1954	77	2,729,569	768,120	3.55	59	2,129,567	175,438	12.13
1955	63	2,352,343	629,563	3.74	53	2,104,235	153,676	13.69
1956	55	2,325,005	613,833	3.79	49	2,004,634	136,485	14.69
1957	47	1,770,482	447,690	3.95	46	1,384,872	87,656	15.79
1958	40	1,273,362	319,362	3.98	43	1,246,577	67,274	18.52
1959	32	1,335,164	304,732	4.38	39	1,214,353	73,138	16.60

The increase in strip mining has been another factor in the reduction of underground operations. It should be noted that in most cases the ownership of strip mines is distinct from that of underground operations. Of the major underground mines still in operation four are in the Drumheller area, one is at Canmore, one is at Lethbridge and three are in the Crowsnest Pass. The principal strip mine areas are Forestburg, Sheerness, Taber, Wabamun and the Crowsnest Pass.

Classification by annual tonnage of operating mines is shown in Table 3

TABLE 3
CLASSIFICATION BY ANNUAL TONNAGE

YEAR	<u>UNDER 10,000 TONS</u>		<u>10,000 TO 100,000 TONS</u>		<u>100,000 TO 200,000 TONS</u>		<u>OVER 200,000 TONS</u>	
	<u>Under Ground</u>	<u>Strip</u>	<u>Under Ground</u>	<u>Strip</u>	<u>Under Ground</u>	<u>Strip</u>	<u>Under Ground</u>	<u>Strip</u>
1949	71	66	25	15	8	9	7	4
1950	65	67	24	23	12	7	5	4
1951	70	45	16	22	12	3	6	5
1952	60	37	15	22	7	5	8	3
1953	58	43	12	14	4	3	7	5
1954	53	35	13	16	6	5	5	3
1955	44	30	11	16	3	5	5	2
1956	37	28	10	14	3	4	5	3
1957	29	29	10	12	6	4	2	1
1958	25	26	9	14	4	2	1	2
1959	17	23	9	13	6	1	-	2

THE COAL MINES REGULATION ACT

The Province has regulated the operation of coal mines in Alberta from 1906 and the statute now in effect governing the operation of coal mines is The Coal Mines Regulation Act. (EXHIBIT I)

The statute is administered by the Mines Division now consisting of the Director, Assistant Director, four District Inspectors, one Electrical Inspector and an office staff of four. The division also administers The Quarries Regulation Act which takes up about 10 per cent of its time and The Coal Sales Act which will be mentioned later in this submission. The cost to the Province in administering the Mines Division by fiscal years following April 1, 1949, is shown in Table 4.

TABLE 4

COST OF ADMINISTERING MINES DIVISION

<u>Fiscal Year</u>		<u>Cost</u>
1949-50	-	\$ 72,006.65
1950-51	-	68,443.29
1951-52	-	77,299.37
1952-53	-	73,195.95
1953-54	-	67,650.09
1954-55	-	74,181.69
1955-56	-	72,043.45
1956-57	-	75,583.76
1957-58	-	75,189.78
1958-59	-	77,952.32

THE MINES AND MINERALS ACT

Part IV of The Mines and Minerals Act (EXHIBIT II) deals with the provisions of Crown leases, royalties payable on Crown leases and royalties payable on freehold titles subject to royalty. Some of the general provisions in Part I of the Act also apply to coal.

All leases issued by the Province are for a term of 21 years and renewable for one further term of 21 years. Further renewals each for terms of 21 years may be granted upon such terms and conditions as may be prescribed by the Lieutenant Governor in Council. Each lease is subject to the payment of an annual rental of \$1.00 an acre, but in 1954 in view of the hardships that the coal mining industry was experiencing, the annual rental on each lease in existence at April 1, 1954 was reduced to 25 cents an acre and this reduction in rental still applies today. The reduction in rental to date has meant a saving to industry of \$630,000.

The leases issued by the Federal Government before 1930 required payment of royalty at the rate of 5 cents a ton and payment at this rate is permitted during the term of the lease and the first renewal being in total 42 years. Each lease issued by the Province and any second or further renewal of a Federal lease is subject to a royalty of 10 cents a ton. On freehold titles, reserving a royalty to the Crown, the rate prescribed in 1915 of 7 cents a ton still prevails. Revenue to the Province from royalties and rentals appears in Table 5.

TABLE 5

REVENUE FROM ROYALTIES AND RENTALS

<u>FISCAL YEAR</u>	<u>TONNAGE SUBJECT TO ROYALTY</u>	<u>ROYALTIES</u>	<u>RENTALS</u>
1949/50	5,965,226	\$651,568.47*	\$191,725.77
1950/51	5,566,499	623,311.67*	180,778.48
1951/52	5,423,815	437,410.85*	182,343.94
1952/53	4,702,535	379,492.51*	151,944.23
1953/54	3,825,186	286,569.25	133,495.35
1954/55	2,799,500	230,906.86	52,033.34
1955/56	2,657,823	216,839.64	38,430.09
1956/57	2,049,953	165,134.62	48,286.97
1957/58	1,331,881	109,223.27	61,810.09
1958/59	1,189,332	99,675.81	40,650.61

* On April 1, 1948 the royalty on Federal coal mining leases and their first renewals was increased from 5 to 10 cents a ton and on freehold titles subject to royalty, the rate of royalty was increased from 7 to 15 cents a ton. In view of the hardships encountered by the coal industry the increased rates of royalty were on April 1, 1953, restored to the former rates and all royalties paid in excess of the former rates were refunded. The total amount refunded was \$778,802.84 and about three-quarters of this amount applied to the fiscal years 1949/50 to 1952/53.

At December 31, 1959 there were 456 Crown leases containing 144,000 acres in force in the Province.

THE MINERAL TAXATION ACT

The Mineral Taxation Act (EXHIBIT III) provides for the levy of a tax based upon an assessment each year in coal producing areas held under freehold title. Coal producing areas in the Province have been gradually reduced in size but each operating mine must be included in a producing area. The annual assessment and tax levy is shown in Table 6. In addition the Act provides for a tax at the rate of one and one-half cents an acre payable on each freehold mineral title irrespective of the mineral or minerals that may be included in the title.

TABLE 6

FREEHOLD COAL ASSESSMENT AND TAXATION

<u>YEAR</u>	<u>ASSESSMENT</u>	<u>MILL RATE</u>	<u>TAX</u>
1949	\$1,195,084.48	8	\$ 9,560.68
1950	1,264,787.02	8	10,118.30
1951	1,128,538.17	8	9,028.31
1952	1,138,003.59	8	9,104.03
1953	1,116,104.75	8	8,928.84
1954	972,102.13	8	7,776.82
1955	667,848.44	8	5,342.79
1956	594,245.92	8	4,753.97
1957	463,973.54	8	3,711.79
1958	504,534.34	8	4,036.27
1959	423,414.34	8	3,387.31

THE COAL MINERS REHABILITATION ACT

Late in the year 1953 it became apparent that some of the mines would be unable to continue to operate economically and in order to extend a measure of assistance in the rehabilitation of miners who would lose employment when coal mines closed down, The Coal Miners Rehabilitation Act (EXHIBIT IV) was enacted at the following session of the Legislature and came into force on the 8th day of April 1954.

The Act provided for the Lieutenant Governor in Council to expend up to \$100,000 for any purpose that would assist in the rehabilitation of coal miners who became unemployed. The amount was increased by \$50,000 by an amendment to the Act in 1958. The greater portion of the money was spent on the movement of families and their household effects from coal mining areas to other points in Alberta and in a few instances to points as far east as Toronto and as far west as Vancouver Island. The number of families moved under Government assistance from the various coal areas were

<u>COAL AREA</u>	<u>NO. OF FAMILIES</u>
Coal Branch	294
Crowsnest Pass	132
Drumheller	49
Canmore	6
Nordegg Area	214
	<hr/>
	695

In addition to families moved at Government expense several single men were given transportation to points where work was available. In many instances unemployed miners rehabilitated themselves in other employment without Government assistance. Of the total of \$150,000 made available by the Legislature \$139,677.79 had been expended at the end of December 1959.

THE COAL SALES ACT

Following representations made to the Government over a lengthy period of time as to the desirability of having coal classified and graded for the benefit of consumers and regulation of operations, The Coal Sales Act (EXHIBIT V) was passed and came into force on the 1st day of July 1953. The Act provided for the Lieutenant Governor in Council to designate coal areas in the Province and make regulations

- (a) requiring the registration of trade names for coal mined in Alberta,
- (b) requiring the use of the registered trade name in advertising, sale and shipping of coal and in documents relating thereto,
- (c) respecting sampling and analysis of coal and the use of analyses,
- (d) respecting the classification and grading of coal,
- (e) prescribing the particulars concerning the coal and the place of mining to be stated in each shipping or other bill, invoice or weigh-ticket,

- (f) prescribing the records to be kept by wholesale and retail dealers in coal, and
- (g) for other matters relating to shipment and sale of coal.

After several meetings between officials of the Department of Mines and Minerals and representatives of coal distributors and coal operators the regulations (EXHIBIT VI) were established on the 19th day of July 1954. The regulations mainly provided for classification of Alberta coals by groups and for size grading of Alberta coals. It was recognized at the time the Act was passed that it would apply only to coal consumed in Alberta and could not extend beyond the borders of the Province. However, it had been suggested that if Alberta would establish a coal sales act and regulations there would be a good possibility that other Provinces would enact similar legislation.

No other Province has adopted similar legislation and now that coal mines in Alberta are faced with severe competition from other fuels, we are considering the advisability of suspending from the regulations the classification, grading and sizing of coal. There may be merit to existing mines having an opportunity to supply coal to any purchaser subject to the specifications of the purchaser.

CONCLUSIONS

A review of the various factors related to the coal industry in Alberta leads to the following conclusions:

1. If coal from underground mines is to be available for use as an energy source in the event of a national emergency some amelioration should be extended to enable underground mines to continue and, if possible, increase their present rate of production.
2. This amelioration might take the form of a national coal policy which would displace a reasonable amount of imported coal with coal produced in Canadian mines.
3. A practical program of research should be pursued to find methods of utilizing coal to produce other forms of energy.
4. The subvention policy should be carefully reviewed to ensure that its objective of enabling Canadian coals to compete with imported coals, is being realized.
5. The examination of the freight and transportation of western coals should include consideration of movement by trainload lots.

All of which is respectfully submitted.

H. H. Somerville,

Deputy Minister of Mines and Minerals.

Exhibits to the Submission
to
THE ROYAL COMMISSION ON COAL (1959)
by
Department of Mines and Minerals

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THE COAL MINES REGULATION ACT

CHAPTER 47

An Act to Regulate the Working of Coal Mines

1. This Act may be cited as "*The Coal Mines Regulation Act*". Short title
[1955, c. 35, s. 1]

Interpretation

2. In this Act,

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| | Interpre-
tation |
| (a) "adequate ventilation" means a supply of at least two hundred cubic feet of fresh air per minute for each person or animal employed in an underground mine and as much more as circumstances may require; | "adequate ventilation" |
| (b) "agent" means a person appointed by, or who in any way acts as a representative of the owner of a mine; | "agent" |
| (c) "assistant manager" means the officer having, under the direction of the manager, control and daily supervision of a mine; | "assistant manager" |
| (d) "banksman" means a person appointed by the owner, agent or manager of an underground mine to have charge of the machinery located at the pit head or surface entrance of the mine; | "banksman" |
| (e) "blaster" means a person employed in a strip mine to take charge of drilling operations and to fire shots; | "blaster" |
| (f) "Board" means a Central Board of Examiners appointed under this Act; | "Board" |
| (g) "boundary lines" means the vertical planes or lines in which the surface boundaries of the location lie; | "boundary lines" |
| (h) "certificate" or "certificate of competency" means a certificate granted pursuant to this Act and entitling the holder to perform the duties of the occupation or office in respect of which the certificate is granted; | "certificate" or "certificate of competency" |
| (i) "check-measurer" or "check-weigher" means a person appointed by the workmen at a mine to check the determination of the amounts of coal or other mineral on the basis of which the workmen are paid and to perform other duties in connection with such determination; | "check-measurer" or "check-weigher" |
| (j) "combined operations" means coal mining operations being carried on in a pitching seam where strip and underground extraction are carried on | "combined operations" |

from the seam or connected seams and the underground work is located under the stripping, whether or not the strip operation is being worked;

- "Department" (k) "Department" means the Department of Mines and Minerals;
- "detonator" (l) "detonator" means an approved detonator, electrical squib or other approved device for detonating explosives;
- "Director" (m) "Director" means the Director of Mines appointed under this Act;
- "district" or "split" (n) "district" or "split" means a part of an underground mine having an independent intake airway commencing from a main intake airway, and an independent return airway terminating at a main return airway;
- "district inspector" (o) "district inspector" means a district inspector or an assistant district inspector appointed under this Act;
- "electrical inspector" (p) "electrical inspector" means an electrical inspector appointed under this Act;
- "examiner" (q) "examiner" means a person appointed by the owner, agent or manager of an underground mine,
 (i) to inspect the working places of a mine, the roadways and approaches thereto and other accessible parts of a mine, and
 (ii) to ensure that the working places, roadways and approaches thereto are safe before a shift is allowed to enter;
- "foreman" (r) "foreman" means the person next in authority to the manager of a strip mine;
- "incline" or "slope" (s) "incline" or "slope" means an excavation that is driven in the earth or strata of an underground mine at an angle with the plane of the horizon and that is or may be used,
 (i) for ventilation or drainage, or
 (ii) for the ingress or egress of men, animals or material to or from the mine or part thereof;
- "inspector" (t) "inspector" includes the Director of Mines, an assistant director of mines, a district inspector and an assistant district inspector;
- "level" or "tunnel" (u) "level" or "tunnel" means an excavation that is driven in the earth or strata of an underground mine horizontally or at such an inclination as may be necessary and that is or may be used,
 (i) for drainage or ventilation, or
 (ii) for the ingress or egress of men, material or animals to or from a mine or part thereof;
- "manager" (v) "manager" means the chief officer having control and daily supervision of a mine;

- (w) "mine" "mine"
- (i) means a place within, upon, under or adjacent to which there is a natural bed, stratum or aggregation of strata of coal that is or has been mined, or for the mining of which land is being prepared, and
 - (ii) includes
 - (A) each shaft, outlet, level or slope being sunk or driven for the opening of a mine, for searching for or proving the coal, or for operating the mine,
 - (B) each shaft, outlet, level, slope, plane, haulageway, working, apparatus, building, piece of machinery, tramway, railway and siding, above or below ground, in, of, belonging to or in connection with a mine, and
 - (C) plant or equipment for the preparation of the coal from the mine for market;
- (x) "miner" "miner"
- (i) means a person employed underground at the working face to cut, shear, break or loosen coal or rock from the solid, and
 - (ii) includes a loader or other workman employed at the working face;
- (y) "miner's helper" means a person employed underground to work under the supervision of a miner at the working face; "miner's helper"
- (z) "mine surveyor" means a person appointed to survey or supervise the surveying of the workings of a mine and the preparation and drafting of the plans required under this Act; "mine surveyor"
- (aa) "Minister" means the Minister of Mines and Minerals; "Minister"
- (bb) "outlet" includes any shaft, slope, incline, tunnel, level or any other means of ingress or egress to or from an underground mine; "outlet"
- (cc) "overman" means a person who is in daily charge of the underground workings of a mine or part thereof and is next in authority to the manager or assistant manager; "overman"
- (dd) "owner" when used in relation to a mine, "owner"
- (i) means a person who is the immediate proprietor or lessee, or occupier of the mine or part thereof, and
 - (ii) includes, but not so as to exempt the owner from liability, a contractor for the working of the mine or part thereof, but
 - (iii) does not include a person

- (A) who merely receives a royalty or rent from the mine subject to a lease, grant or licence for the working thereof, or
 - (B) is merely the owner of the soil and not interested in the minerals of the mine;
- "pitching seam" (ee) "pitching seam" means a seam that at a point where it is being worked is inclined at an angle to the horizontal of twenty degrees or more, or any other seam designated as a pitching seam by the Director;
- "plan" (ff) "plan" means
- (i) a map of a mine or section of a mine, or
 - (ii) a copy or tracing of the map, certified by the mine surveyor to be correct;
- "pit head" (gg) "pit head" means a landing at the top of a shaft or slope or at any other surface entrance in an underground mine;
- "regulations" (hh) "regulations" means regulations made pursuant to this Act;
- "safety-lamp" (ii) "safety lamp" means an approved flame-type safety lamp or an approved miner's electric lamp;
- "shaft" (jj) "shaft" means a vertical excavation through strata of an underground mine when the excavation is or may be used,
- (i) for ventilation or drainage,
 - (ii) for lowering or hoisting men or material into or from the mine or part thereof, or
 - (iii) for the ingress or egress of men, animals or material to or from the mine or part thereof;
- "shot-firer" (kk) "shot-firer" means a person employed by the manager of an underground mine,
- (i) to fire shots,
 - (ii) to examine as to the safety of using explosives, and
 - (iii) to supervise the use of explosives in blasting;
- "side" (ll) "side" means the exposed face of the excavation in a strip mine from the surface of the ground to the working level of the pit;
- "slope" or "incline" (mm) "slope" or "incline" means an excavation that is driven in the earth or strata of an underground mine at an angle with the plane of the horizon and that is or may be used,
- (i) for ventilation or drainage, or
 - (ii) for the ingress or egress of men, animals or material to or from the mine or part thereof;
- "small mine" (nn) "small mine" means a mine in which not more than thirty men, exclusive of the overman, are employed below ground in the space of a twenty-four hour day;

- (oo) "split" or "district" means a part of an underground mine having an independent intake airway commencing from a main intake airway, and an independent return airway terminating at a main return airway; "split" or "district"
- (pp) "strip mine" means a mine that is worked by the removal of the overlying strata and the coal thereunder by excavation methods; "strip mine"
- (qq) "Supreme Court" means the Supreme Court of Alberta; "Supreme Court"
- (rr) "timberman" means a person employed in an underground mine who is in charge of timbering operations at a working face, on a roadway or in any other place; "timberman"
- (ss) "timberman's helper" means a person employed in an underground mine to work under the supervision of a timberman; "timberman's helper"
- (tt) "tunnel" or "level" means an excavation that is driven in the earth or strata of an underground mine horizontally or at such an inclination as may be necessary and that is or may be used, "tunnel" or "level"
- (i) for drainage or ventilation, or
- (ii) for the ingress or egress of men, material or animals to or from a mine or part thereof;
- (uu) "underground mine" means a mine other than a strip mine; "underground mine"
- (vv) "working face"
- (i) means a part of a mine from which coal, rock or other mineral is being cut, removed, sheared or loosened, "working face"
- (ii) includes a place on a roadway at which brushing from the roof is being done, and
- (iii) in a longwall operation, includes all the area from the solid which is being supported for the purpose of the operation. [1955, c. 35, s. 2]

Application

3. This Act applies to all coal mines in the Province. Application of Act
[1955, c. 35, s. 3]

Division of Act

4. For convenience of reference only, this Act is divided into Parts and classified under the following headings: Division of Act

<i>Part</i>	<i>Section</i>
I DIRECTOR OF MINES, INSPECTORS AND BOARD	5- 13
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[1955, c. 35, s. 4]

PART I

DIRECTOR OF MINES, INSPECTORS AND BOARD

Appointments

Director of
mines and
inspectors

5. (1) Subject to the provisions of *The Public Service Act*, the Lieutenant Governor in Council may from time to time

- (a) appoint holders of a first class certificate to be the Director of Mines, an assistant director of mines, a district inspector or an assistant district inspector,
- (b) appoint the holder of a first class mine electrician's certificate to be an electrical inspector,
- (c) prescribe the duties and fix the remuneration of persons appointed under this section, and

(d) define the district within which a district inspector or an assistant district inspector is to act.

(2) No person appointed under subsection (1) shall, while he is an inspector or an electrical inspector, be the owner of a mine or act as a mining engineer or a manager, viewer, agent or valuer of a mine. [1955, c. 35, s. 5]

6. (1) Each inspector or electrical inspector appointed under section 5 shall visit each mine within his jurisdiction as often as his duties permit and circumstances require.

Duties of
inspector

(2) After each inspection the inspector or electrical inspector shall immediately mail a report to the Director and shall cause a copy thereof to be posted in a conspicuous place at the mine.

(3) Each inspector and electrical inspector shall make an annual report to the Director of the mines within his jurisdiction during the preceding year. [1955, c. 35, s. 6]

Powers of Inspectors

7. (1) An inspector

Powers of
inspectors

(a) may require the owner, agent, manager or other proper officer of a mine to produce any report book, document, instrument, lamp, or other thing the production of which he considers necessary in the conduct of his inspection and examination of the mine,

(b) may, in the event of the refusal or neglect to comply with a requirement made under clause (a), take whatever means he deems necessary to obtain possession of the report book, document, instrument, lamp or other thing required,

(c) may enter, inspect and examine any mine or part thereof at any time,

(d) may examine into and make inquiry respecting,
(i) the state and condition of a mine or part thereof,

(ii) the ventilation of a mine,

(iii) the disposal of water from a mine or mine building, or

(iv) any matter or thing connected with or relating to the safety of the persons employed in or about a mine or any other mine in the vicinity thereof,

(e) may make an examination or inquiry to determine whether the provisions of this Act with respect to any mine are complied with, and

(f) may exercise any power necessary to enable him to carry out his duties under this Act.

(2) Where there has been an accident or other circumstances giving rise to an investigation, an inspector

(a) may, upon giving receipt therefor, take possession of any report book, document, instrument, lamp or

other thing that may be relevant to the investigation or other inquiry into the accident or circumstances, and

- (b) may leave the report book, document, instrument, lamp or other thing with the nearest detachment of the Royal Canadian Mounted Police but subject to access at any reasonable time of a proper official of the mine.

(3) When any report book, document, instrument, lamp or other thing taken possession of under this section by the inspector is no longer required for the purpose of the investigation, the inspector shall return the report book, document, instrument, lamp or other thing to the person entitled thereto. [1955, c. 35, s. 7]

Powers of
electrical
inspector

8. An electrical inspector may

- (a) examine into and make inquiry respecting the generation, transformation, distribution or use of electrical energy in or about a mine,
- (b) make an examination or inquiry to determine whether the provisions of this Act relating to electrical matters in or about a mine are complied with,
- (c) enter, inspect and examine any mine or part thereof, at any time, if
- (i) the mine has been previously examined by an examiner, or
- (ii) if he is accompanied by the holder of a first class, second class, third class, manager's or foreman's certificate,
- and
- (d) exercise any power necessary to enable him to carry out his duties under this Act. [1955, c. 35, s. 8]

No person
shall
obstruct
inspector

9. (1) No person shall obstruct an inspector or an electrical inspector in the execution of his duties under this Act.

Owner or
manager
shall furnish
inspector
facilities

(2) No owner, agent or manager shall refuse or neglect to furnish an inspector or electrical inspector the means of making an entry, inspection, examination or inquiry under this Act in relation to a mine. [1955, c. 35, s. 9]

Board of Examiners

Board of
Examiners

10. (1) The Lieutenant Governor in Council may appoint a Board of Examiners consisting of

- (a) the Director or an inspector nominated by him,
- (b) two managers, and
- (c) two persons, each of whom is a miner or is employed at a strip mine.

(2) The Board shall provide for the examination of applicants for certificates of competency under this Act.

(3) The Lieutenant Governor in Council may fix the amount of fees and travelling expenses payable to members of the Board other than the chairman, and the fees payable by applicants for certificates. [1955, c. 35, s. 10]

11. (1) The member of the Board who is the Director Board chairman
or an inspector

- (a) shall be the chairman of the Board,
- (b) shall be the chief executive officer of the Board, and
- (c) shall have charge of the business of the Board in the intervals between meetings.

(2) The Board shall meet at the call of the chairman but he shall call a meeting whenever required in writing to do so by any three members of the Board. [1955, c. 35, s. 11] Meetings of Board

12. The Minister may on the recommendation of the Powers of Minister
Board

- (a) make rules governing the types of work that may count toward the experience requirements of candidates for certificates and the knowledge that candidates will be required to show in examinations,
- (b) divide the Province into districts for the purpose of holding examinations,
- (c) specify the place in each district at which examinations are to be held, and
- (d) appoint persons to conduct examinations and report thereon to the Board. [1955, c. 35, s. 12]

13. The Board shall

- (a) decide whether or not each applicant for a certificate has shown on examination that he is a fit and proper person to hold it, and
- (b) report its findings to the Director.

[1955, c. 35, s. 13] Duties of Board

PART II

MINE OFFICIALS

Owner or Agent

14. An owner or agent taking part in the technical Owner or agent managing mine
management of a mine

- (a) shall hold the certificate required to be held by the manager of the mine,
- (b) is subject under this Act to the same responsibilities and penalties as though he were the manager of the mine, and
- (c) may give orders or instructions concerning matters that are not expressly provided for by this Act and that do not conflict with the provisions of this Act. [1955, c. 35, s. 14]

Responsi-
bility of
owner

15. The appointment of an agent does not relieve the owner from any responsibility or penalty under this Act.
[1955, c. 35, s. 15]

Manager

Manager

16. (1) The owner of a mine or the agent shall appoint himself or another person to be manager of the mine and shall not permit the mine to be worked unless there is a manager.

(2) The manager shall be responsible for the control, management and direction of the mine and may give orders or instructions concerning matters that are not expressly provided for by this Act and that do not conflict with the provisions of this Act.

(3) Where one or more seams are being worked from separate outlets, irrespective of whether or not there is a common system of ventilation, the Director, in his discretion, may require that the workings be under one manager and one or more assistant managers as he deems fit.

(4) A manager or an assistant manager shall be the holder of a first class certificate as a mine manager for the type of mine, whether strip or underground, for which he is appointed.

(5) Upon the appointment of a manager or assistant manager the owner or agent shall send to the Director and to the district inspector notice of the appointment, which shall set out

- (a) the name and address of the appointee, and
- (b) the number and class of certificate held by him.

(6) No manager of an underground mine shall act

- (a) as the overman, examiner or agent with respect to any other mine,
- (b) in any other capacity in the same mine except in the case of a small mine, or
- (c) as a mine surveyor without the prior consent of the Director.

(7) No person shall be the manager of more than one mine at the same time unless

- (a) written permission is granted to him by the Director so to act, and
- (b) the mines are operated by the same owner.

Manager of
combined
operations

(8) In a case of combined operations by the same operator or affiliated operators

- (a) the person acting as manager of the underground mine shall be responsible also for the operation of the strip mine and shall be the holder of managers' certificates for both underground and strip mines, and
- (b) a foreman shall be appointed to take charge of the strip mine if it is being worked. [1955, c. 35, s. 16]

17. (1) When a person appointed to be the manager of a mine ceases to be manager by reason of death, resignation or otherwise, the owner or agent shall appoint a new manager within thirty days. Appointment of new manager

(2) Pending the appointment of a new manager in accordance with subsection (1), a person holding a first class or second class certificate may be appointed to perform temporarily the duties of a manager. [1955, c. 35, s. 17]

18. (1) The manager shall exercise daily personal supervision of a mine while it is being worked and shall be in daily attendance at the mine while it is working. Duties of manager

(2) When a manager is to be absent for a period of not more than thirty days for any temporary cause, a person holding a first class or second class certificate shall exercise the daily personal supervision. [1955, c. 35, s. 18]

19. Notwithstanding section 16, the operations at a small mine may, with the consent in writing of the Director, be under the daily supervision of a person holding a second class or other requisite certificate and such person shall be the manager. Manager not required for small mine
[1955, c. 35, s. 19]

20. A person performing the duties of a manager shall have the same responsibility and is subject to the same liability as if he were the manager. Acting as manager
[1955, c. 35, s. 20]

21. An assistant manager

(a) shall be under the direction and control of the manager, Powers of assistant manager

(b) shall have the same power and duties as the manager, and

(c) is subject to the same responsibility and liability as the manager. [1955, c. 35, s. 21]

22. (1) A manager shall carry out and enforce the provisions of this Act to the best of his ability. Duties of manager

(2) The manager

(a) shall appoint in writing sufficient qualified and competent persons to be officials of the mine

(i) to meet the requirements of this Act,

(ii) to secure thorough supervision of all operations, and

(iii) to secure the enforcement of the provisions of this Act,

(b) shall assign duties to the officials so appointed,

(c) shall ensure that each official understands and carries out the provisions of this Act relating to the duties assigned to him,

(d) shall carefully investigate or cause to be carefully investigated any representations made to him as to matters affecting the safety or health of the persons in or about the mine,

- (e) shall appoint the stations at the entrance to and inside an underground mine beyond which workmen shall not pass until an inspection has been made,
 - (f) shall make provision for an adequate supply of all material and apparatus required to carry out the provisions of this Act and ensure the safety of the mine and persons employed therein,
 - (g) shall report in writing to the owner or agent when any required material or required apparatus cannot be provided by him within the scope of his authority,
 - (h) shall prescribe
 - (i) the times of entering and leaving the mine of the various shifts, and
 - (ii) where a cage is used, the number of persons allowed to ride thereon at one time, and cause to be posted at the pit head or mine entrance a notice thereof,
 - (i) shall keep or cause an appointee to keep a record of
 - (i) the number of persons going below ground and returning therefrom daily,
 - (ii) the times at which men are lowered into and raised from the mine, and
 - (iii) the cases in which any man is below ground for more than the time fixed by this Act,
 - (j) shall be responsible for ensuring that the requirements of this Act are carried out, and
 - (k) is responsible for the safe operation of the mine.
- (3) The manager or assistant manager, if any, shall visit every working place in a mine at least once each month.
[1955, c. 35, s. 22]

Overman

Overman

23. (1) The owner, agent or manager of an underground mine shall appoint sufficient overmen for the mine, and shall not permit an underground shift of more than fifty men to work unless it is under the continuous charge of an overman.

(2) An overman shall exercise personal supervision and control over the underground workings while they are being worked.

(3) When an overman is appointed the owner, agent or manager shall send to the Director and to the district inspector notice of the appointment, which shall set out

- (a) the name and address of the appointee, and
- (b) the number and class of certificate held by him.

[1955, c. 35, s. 23]

Manager
shall not be
overman

24. (1) The manager shall not be an overman in a mine where more than fifty men are employed in one twenty-four hour period.

(2) Subject to this section the overman shall not perform duties that interfere with his duties as overman. Overman shall not perform other duties

(3) The overman shall devote his whole working time to the supervision of the mine and the performance of his duties but he may do such things as are necessary for the safety of the mine and persons employed therein.

(4) In a small mine the overman may be the manager unless the Director by notice in writing to the owner or agent requires that the manager and the overman be different persons. Overman of small mine
[1955, c. 35, s. 24]

25. (1) Subject to this section the overman shall be the holder of a first class or second class certificate. Overman shall hold certificate

(2) In a mine in which not more than ten men, exclusive of the overman, are employed underground during a twenty-four hour day, the overman may be a person who is the holder of a third class certificate if the Director has issued a provisional certificate authorizing him so to act.

(3) In a mine in which not more than five men, exclusive of the overman, are employed underground during a twenty-four hour day, the overman may be a person who has a miner's certificate and five years' underground experience, if the Director has granted a provisional certificate authorizing him so to act.

(4) A provisional certificate issued for the purposes of this section shall specify the mine in which and the period for which the holder may exercise the rights so granted. Provisional certificate of overman

(5) During any temporary absence of not more than thirty days of an overman the duties of the overman may be exercised by an examiner employed at the mine if

(a) there is no other holder of a first class or second class certificate employed at the mine to replace the overman,

(b) the examiner is the holder of a third class certificate, and

(c) the consent of the district inspector is obtained.

[1955, c. 35, s. 25]

26. An overman shall not be paid at a rate dependent upon the amount of coal or other mineral obtained. Overman's pay

[1955, c. 35, s. 26]

27. (1) An overman shall be subject to the direction and control of the manager and, for any orders issued by him without the consent of the manager, is subject to the same liabilities as the manager. Overman subject to direction of manager

(2) The overman

(a) shall have the general control and supervision of the underground operations and the persons engaged therein, Duties of overman

- (b) shall exercise such direction over the work in the mine as will conduce to the safety of the employees and best interests of the mine,
- (c) shall examine all working places at least twice a week with a view to safety and proper working,
- (d) shall cause any dangerous place to be made secure as soon as it comes to his notice,
- (e) shall daily examine and initial all report books in the part of the mine under his charge and see that the reports are properly recorded,
- (f) shall inspect or cause to be inspected all airways and accessible old workings at least once each week and cause such inspections to be recorded and signed by the person making them in the book kept at the mine for that purpose, and
- (g) shall ensure
 - (i) that all roadways, headings, airways and chambers are kept as straight as possible,
 - (ii) that pillars and stumps are of uniform and sufficient thickness,
 - (iii) that all stoppings are properly built and maintained,
 - (iv) that doors are hung so as to close of their own accord, are taken off hinges when not in actual use, and are propped or fastened back only during passage,
 - (v) that a trapper does not leave his door for any reason while on duty,
 - (vi) that all entries are driven to the proper height and width,
 - (vii) that all roads are safe, properly cleaned and as well drained as possible,
 - (viii) that animals are properly stabled and not overworked or abused,
 - (ix) that no coal or other material is lost through improper recovery methods, and
 - (x) that all tools and materials furnished to workmen are properly used. [1955, c. 35, s. 27]

Examiner

Examiner

28. (1) The owner, agent or manager of an underground mine shall appoint in writing one or more examiners.

(2) An examiner shall make inspections and perform other duties required by this Act with regard to the presence of gas, ventilation, the condition of roof and sides and the general safety.

(3) The owner, agent or manager shall

- (a) divide the mine into districts of such size that an examiner can properly and thoroughly discharge his duties with respect to a district, and

(b) provide that there be an examiner for each district on each shift while the district is being operated.

(4) The manager of a small mine may act as examiner if in so doing he can properly discharge all his duties as manager and examiner. Examiner in small mine
[1955, c. 35, s. 28]

29. An examiner shall be the holder of a first class, second class or third class certificate. Examiner shall hold certificate
[1955, c. 35, s. 29]

30. (1) An examiner shall devote his whole working time to his duties as examiner except Other duties of examiner

- (a) in a small mine,
- (b) where he is also employed in his district in measuring work done or in firing shots, or
- (c) where duties that do not prevent him from thoroughly carrying out his inspections are assigned to or undertaken by him.

(2) The question as to whether an examiner may perform duties other than his duties as examiner shall be decided by the district inspector. [1955, c. 35, s. 30]

31. (1) The examiner shall be subject to the orders and control of the manager and overman. Examiner subject to direction of overman

(2) The examiner Duties of examiner

- (a) shall before commencing his shift read and initial the reports of the examiner of the last preceding shift and note if gas or any other dangerous condition has been reported,
- (b) shall before work commences inspect each working place in his district and chalk his initials and date at the face at such place,
- (c) shall ensure that entrances to any place found unsafe are fenced off at sufficient distance to prevent inadvertent approach,
- (d) shall make the inspections of airways required by this Act,
- (e) shall report anything requiring attention to the manager or overman immediately,
- (f) shall watch over all working places in his district,
- (g) shall, in the event of danger,
 - (i) immediately withdraw all persons who may be exposed to the danger,
 - (ii) fence off the place of danger,
 - (iii) report the danger to the manager or overman, and
 - (iv) make and sign a report of the danger in the book kept at the mine for that purpose,
- (h) shall ensure that the provisions of this Act are strictly observed, and

- (i) shall immediately after it comes to his attention report to the manager or overman any failure to observe a provision of this Act. [1955, c. 35, s. 31]

Shot-firer

Shot-firer

32. (1) The manager of an underground mine shall appoint such shot-firers as may be necessary.

(2) A shot-firer shall be the holder of a first class, second class or third class certificate or of a provisional third class certificate from the Director.

(3) A shot-firer shall be subject to the control of the manager and overman.

(4) Unless the permission in writing of the Director is first obtained no contractor and no person employed by a contractor shall be a shot-firer. [1955, c. 35, s. 32]

Driver Boss

Driver boss

33. (1) A driver boss may be appointed for an underground mine.

(2) The driver boss

(a) shall be subject to the control of the manager and overman, and

(b) shall have charge of the drivers, chute loaders, spraggers, trappers and others engaged in hauling coal inside the mine. [1955, c. 35, s. 33]

Outside Foreman

Outside
foreman

34. (1) The outside foreman shall be subject to the control of the manager.

(2) The outside foreman

(a) shall direct and supervise all operations outside the mine,

(b) shall ensure

(i) that each person under him performs his duty so as to ensure the maximum safety of persons and property,

(ii) that all explosives and other inflammable materials are handled as carefully as possible,

(iii) that no naked light is allowed in a powder magazine, and

(iv) that all unnecessary fires are extinguished or properly damped before he leaves at the close of day,

and

- (c) shall, unless another person is appointed for the purpose, receive orders for supplies and see that they are properly filled. [1955, c. 35, s. 34]

Hoistmen, Mechanics and Steam Engineers

35. A master mechanic or steam engineer appointed to supervise any work

Master
mechanic or
steam en-
gineer

- (a) shall be subject to the control of the manager, and
(b) shall observe the provisions of *The Boilers and Pressure Vessels Act*. [1955, c. 35, s. 35]

36. (1) The manager or the master mechanic, with the manager's approval, may in writing appoint a capable person, at least twenty-one years of age, as a hoistman.

Hoistman

(2) A hoistman

- (a) shall keep watch over the hoist and machinery under his charge,
(b) shall be in immediate charge of his hoist during hoisting periods,
(c) shall be within hearing distance or available at other times,
(d) shall only delegate his duties to
(i) another properly appointed hoistman, or
(ii) a person assigned by the manager to run the hoist under the personal supervision of the hoistman until such time as the hoistman certifies him to be competent to run the hoist without guidance,

and

- (e) shall know and use the code of signals posted at the mine. [1955, c. 35, s. 36]

37. No person shall have charge of or operate any engine, windlass, gin or machinery used for conveying persons in a mine, or any ropes, chains or tackle connected therewith unless he is certified not more than six months before, as shown on a medical practitioner's certificate kept in the mine office, to be mentally and physically fit to perform his duties. [1955, c. 35, s. 37]

Certificate
re physical
fitness

Mine Electrician

38. (1) The manager of a mine in which electricity is used in excess of one hundred kilovolt amperes shall appoint a mine electrician who shall have charge of all electrical machinery and apparatus in or about the mine.

Mine
electrician

(2) The manager may appoint assistant mine electricians.

(3) A mine electrician shall be subject to the control of the manager and, in his absence, of the overman or foreman. [1955, c. 35, s. 38]

Certificate
of mine
electrician

39. (1) A mine electrician shall hold

- (a) if the mine uses over two hundred kilovolt amperes, a first class certificate as a mine electrician, or
 - (b) if the mine uses two hundred kilovolt amperes or less but more than one hundred kilovolt amperes, a second class certificate as a mine electrician.
- (2) No assistant mine electrician, electrician's helper or other person shall do any electrical work unless
- (a) he holds a second class certificate as a mine electrician, or
 - (b) he is under the supervision and direction of a holder of a certificate as a mine electrician.
- (3) The Director may grant to a person with electrical knowledge a provisional certificate which may be cancelled at any time and which shall state
- (a) the mine in which the holder may act as mine electrician,
 - (b) the period during which and the conditions under which he may act, and
 - (c) that the certificate is provisional only and may be cancelled at any time. [1955, c. 35, s. 39]

Notice of ap-
pointment

40. Upon the appointment of an electrician or an assistant electrician, the owner, agent or manager shall send to the electrical inspector and the district inspector notice of the appointment, which shall set out

- (a) the name and address of the appointee, and
- (b) the number and class of certificate held by him. [1955, c. 35, s. 40]

Permission
to operate
without mine
electrician

41. The Minister, upon the recommendation of the Director, may grant an exemption permitting the operation of a mine without a mine electrician. [1955, c. 35, s. 41]

Acting mine
electrician

42. Where the mine electrician is to be temporarily absent for a period not exceeding thirty days his duties may be performed by a person

- (a) who has electrical knowledge,
- (b) who is appointed by the owner, agent or manager for that purpose, and
- (c) whose employment in such temporary capacity is notified to the electrical inspector. [1955, c. 35, s. 42]

Foreman

Foreman

43. (1) The owner, agent or manager of a strip mine shall appoint a foreman of the mine and shall not permit the mine to be worked unless there is a foreman in charge.

(2) Each shift worked at a strip mine shall be under the supervision of a foreman, unless the shift is engaged solely in repair or maintenance work.

(3) The manager may be appointed as the foreman if circumstances are such that he can properly discharge all his duties as manager and foreman.

(4) Upon the appointment of a foreman the owner, agent or manager shall send to the Director and to the district inspector notice of the appointment, which shall set out

(a) the name and address of the appointee, and

(b) the number and class of certificate held by him.

(5) The foreman shall be the holder of a certificate for a manager of a strip mine or a foreman thereof.

(6) The foreman, during a temporary absence not exceeding thirty days of the manager, may, if he has the written permission of the district inspector to do so, perform the duties of the manager.

(7) When performing the duties of the manager the foreman shall have the same responsibility and is subject to the same liability as a manager. [1955, c. 35, s. 43]

44. The foreman

Duties of
foreman

(a) shall inspect the workings of the strip mine at least once during each shift, other than a repair or maintenance shift, with a view to safety,

(b) shall enter and sign a report of each inspection in a book which shall be kept at the mine for that purpose, and

(c) shall post a copy of each inspection report in a conspicuous place at the mine. [1955, c. 35, s. 44]

Blaster

45. (1) The owner, agent or manager of a strip mine shall appoint in writing one or more blasters to supervise the care and use of explosives. Blaster

(2) The manager or foreman may act as blaster if the circumstances permit him to discharge his duties in each capacity properly.

(3) The blaster shall be the holder of a certificate for the manager of a strip mine, a foreman or a blaster.

[1955, c. 35, s. 45]

Mine Surveyor

46. (1) The owner or manager shall appoint a mine surveyor to make surveys of the mine and plans from time to time. Mine
surveyor

(2) A practising mine surveyor who has been appointed as mine surveyor of a number of mines, is for the purposes of this Act

- (a) an employee of the owner of each mine, and
- (b) an official of each mine.

(3) A mine surveyor of an underground mine shall be the holder of a certificate of a mine surveyor.

(4) A mine surveyor of a strip mine shall

- (a) hold a certificate of a mine surveyor, or
- (b) be an Alberta land surveyor, or a Dominion land surveyor. [1955, c. 35, s. 46]

Duties of
mine
surveyor

47. (1) A mine surveyor shall

- (a) prepare plans required by this Act, and
- (b) endorse on each plan a certificate in Form 1 in the Schedule.

(2) No mine surveyor shall make an incorrect plan or a false statement concerning a plan. [1955, c. 35, s. 47]

Owner or
official shall
furnish in-
formation to
mine
surveyor

48. An owner, agent or other official of a mine shall furnish the mine surveyor with such correct information regarding distances, tonnages extracted, and other particulars necessary for making a plan. [1955, c. 35, s. 48]

PART III

PERSONS APPOINTED BY EMPLOYEES

Check-weigher, Check-measurer

Check-
weigher

49. (1) The persons, who are

- (a) employed in a mine, and
- (b) paid according to the weight of coal or other mineral obtained,

may appoint a check-weigher to take an account of the weight of the coal or other mineral as it is weighed.

Check-
measurer

(2) The persons who are

- (a) employed in a mine, and
- (b) paid according to the measurement of the coal or other mineral obtained,

may appoint not more than two check-measurers to take an account of the measurement of the coal or other mineral as it is measured.

Qualification
of check-
weigher or
check-
measurer

(3) A check-weigher or a check-measurer, at the time of his appointment,

- (a) shall hold a miner's certificate,
- (b) shall have had three years' experience as a miner, and
- (c) shall have been employed at the working face at a mine in the Province. [1955, c. 35, s. 49]

50. (1) The appointment of a check-weigher or a check-measurer shall follow a meeting of the employees entitled to appoint him.

Election of
check-
weigher or
check-
measurer

(2) Notice of the meeting shall be posted in a conspicuous place at the mine at least forty-eight hours before it is held, and shall state the time and place of the meeting and the purpose for which it is to be held.

(3) The meeting shall

(a) appoint a chairman and secretary,

(b) decide by a majority vote by secret ballot of the persons attending the meeting and entitled to appoint, whether or not a check-weigher or a check-measurer is to be appointed, and

(c) remain open for thirty minutes for the purpose of receiving nominations.

(4) If more persons are nominated in writing than are to be appointed, an election shall be held by secret ballot at the mine

(a) on the third day after the meeting if the day is a working day, or

(b) the first working day after the said third day, if the third day is not a working day.

(5) The successful candidate in the election shall be the one receiving the most votes on the first ballot.

(6) Immediately after a check-weigher or check-measurer is acclaimed or elected, the chairman and secretary of the meeting shall leave notice of the appointment of the check-weigher or check-measurer at the office of the mine.

[1955, c. 35, s. 50]

51. (1) A check-weigher or a check-measurer may be removed from office by a meeting of the employees entitled to appoint him.

Removal of
check-
weigher
or check-
measurer

(2) The procedure at a meeting to remove a check-weigher or a check-measurer shall follow, as far as may be applicable, the procedure provided in this Part for the appointment of a check-weigher or check-measurer.

[1955, c. 35, s. 51]

52. No owner, agent, manager, overman or other official of a mine shall influence or attempt to influence the appointment at the mine of a check-weigher or a check-measurer.

Owner or
official shall
not influence
appointment

[1955, c. 35, s. 52]

53. (1) The wages of a check-weigher or a check-measurer shall be paid *pro rata* by all the employees entitled to appoint the check-weigher or check-measurer.

Wages of
check-
weigher or
check-
measurer

(2) The check-weigher or check-measurer may recover from any mine employee entitled to appoint a check-weigher or check-measurer that employee's proportion of the check-

weigher's or check-measurer's wages, irrespective of whether or not that employee was so entitled at the time of the appointment of the check-weigher or check-measurer.

(3) The employees entitled to appoint a check-weigher or a check-measurer may, by a meeting called in the same manner as a meeting for the appointment of a check-weigher or a check-measurer, resolve that the check-weigher or check-measurer be paid his wages direct from the office of the mine.

(4) The chairman and secretary of the meeting shall deliver a copy in writing of the resolution to the owner, agent or manager of the mine.

(5) Upon receiving the copy of the resolution the owner, agent or manager shall withhold from the wages due to the employees entitled to appoint the check-weigher or check-measurer a *pro rata* amount sufficient to pay the wages of the check-weigher or check-measurer from time to time, and shall pay it to him in a like manner as the wages of the miners. [1955, c. 35, s. 53]

Complaint
against
check-
weigher or
check-
measurer

54. (1) The owner, agent or manager of a mine may make a complaint in writing to a judge of the district court in the judicial district in which the mine is situated asking for the removal of a check-weigher or check-measurer on the ground

- (a) that the check-weigher or check-measurer has impeded or interrupted the working of a mine,
- (b) that the check-weigher or check-measurer has improperly interfered with the weighing or measuring, or
- (c) that the check-weigher or check-measurer has otherwise misconducted himself at the mine.

(2) If the judge is of the opinion that the complaint should be investigated, he may issue a summons to the check-weigher or check-measurer to appear at the time and place therein named.

(3) At least five days before the return of the summons, the summons and a copy of the complaint

- (a) shall be served personally on the check-weigher or check-measurer, or
- (b) if such service is impossible, shall be left with some adult person residing at the last known place of residence of the check-weigher or check-measurer.

(4) Upon the return of the summons the judge may hear the complaint, whether or not the check-weigher or check-measurer is present, if the judge is satisfied that the summons and copy of the complaint have been served or delivered in accordance with subsection (3).

(5) If the judge finds grounds sufficient to justify the removal of the check-weigher or check-measurer, the judge shall

- (a) by summary order remove the check-weigher or check-measurer,
- (b) appoint another check-weigher or check-measurer to serve until a meeting to consider a new appointment has been held, and
- (c) fix the wages of the person appointed by him.

(6) The judge may award such costs as he thinks fit, and the costs may be recovered as if awarded by a judgment in the district court. Costs

(7) The decision of a judge made under this section is final and there is no appeal therefrom.

(8) A check-weigher or check-measurer removed from office by an order of the judge under this section shall not act in the Province as a check-weigher or check-measurer for a period of one year from the date of the order of the judge. [1955, c. 35, s. 54]

55. (1) The owner, agent or manager of a mine, or any employee of the mine entitled to appoint a check-weigher or check-measurer may make a complaint in writing to the judge of the district court in the judicial district in which the mine is situated that the appointment of a check-weigher or check-measurer was irregular. Complaint against appointment of check-weigher or check-measurer

(2) A complaint under this section shall be made within fourteen days of the date on which notice of the appointment of the check-weigher or check-measurer was left at the office of the mine.

(3) If the judge is of the opinion that the complaint should be investigated, he shall proceed to hear the complaint.

(4) The procedure on a complaint under this section shall be the same as the procedure on a complaint under section 54.

(5) If the judge finds

- (a) that there has been a substantial irregularity in the proceedings leading to the appointment of a check-weigher or check-measurer, or
- (b) that the check-weigher or check-measurer is not duly qualified,

Judge may nullify appointment

the judge may by summary order declare that the appointment is void, direct another meeting to be held to consider the appointment of a check-weigher or check-measurer, and direct that such meeting and a consequent election be called and conducted under the supervision of a person to be named by the judge. [1955, c. 35, s. 55]

56. (1) A check-weigher or check-measurer shall, at the place where such weights and measurements are made, take an account of the weights or measurements of coal or other mineral obtained. Duties of check-weigher or check-measurer

- (2) No check-weigher or check-measurer shall
- (a) impede or interrupt the working of the mine, or
 - (b) interfere with or impede the weighing and measuring. [1955, c. 35, s. 56]

Absence
of check-
weigher

57. The absence of a check-weigher or a check-measurer shall not interrupt or delay the weighing or measuring. [1955, c. 35, s. 57]

Provision of
facilities

58. The owner, agent or manager of the mine shall provide the check-weigher or check-measurer with

- (a) facilities to take correct account of weights or measures at the place appointed for the weighing or measuring of coal,
- (b) facilities for examining and testing the weighing or measuring machinery,
- (c) facilities for counting cars and tallies and checking the tare weight of cars when necessary,
- (d) shelter from the weather and a desk or table at which to perform his duties, and
- (e) access to all parts of the mine necessary for the fulfilment of his duties. [1955, c. 35, s. 58]

Persons at Pit Head

Employees'
observer at
pit head

59. (1) The persons employed in an underground mine may appoint one or more persons, who when workmen are being lowered or raised shall be stationed at the pit head to observe the times of the lowering and raising.

(2) A person appointed under this section may, but need not be a check-weigher.

(3) The provisions of this Act relating to a check-weigher apply with the necessary changes

- (a) to the appointment, removal and payment of wages of a person appointed under this section, and
- (b) to matters arising between the appointee and mine officials. [1955, c. 35, s. 59]

Inspection Committee

Inspection
committee

60. (1) The persons employed in a mine, other than officials, may appoint an inspection committee of two persons to inspect the mine.

(2) The members of an inspection committee shall be paid by the persons entitled to appoint them.

(3) A person appointed to an inspection committee in an underground mine shall

- (a) have had at least five years' experience in underground work, and
- (b) hold a miner's certificate.

(4) A person appointed to an inspection committee in a strip mine shall have had at least one year's experience in strip mines.

[1955, c. 35, s. 60]

61. (1) An inspection committee

Powers of
inspection
committee

- (a) may at least once in every month, go to every part of the mine and inspect the shafts, roads, levels, workings, airways, ventilating apparatus, old workings and machinery,
- (b) when an accident that is required by this Act to be reported has occurred, may go to the place of the accident and make an inspection to ascertain the cause of accident but this provision is subject to the requirement that the place be left as it was immediately after the accident, and
- (c) where a serious or fatal accident or emergency condition arises, may enter the mine as soon as the inspection committee gathers at the surface entrance and an official to accompany the committee becomes available.

(2) Upon making an inspection other than an inspection following an accident an inspection committee shall

Report of
inspection
committee

- (a) enter and sign a full and accurate report thereof in a book which shall be kept at the mine for the purpose, and
- (b) cause a true copy of the report to be sent to the district inspector.

(3) The inspection committee when making an inspection shall be accompanied by an official of the mine who is the holder of a first class, second class or third class certificate or by a manager or foreman.

(4) The owner, agent or manager shall make available to the inspection committee every facility for the inspection.

[1955, c. 35, s. 61]

62. (1) Where the persons entitled to do so at an underground mine, other than a small mine, fail to appoint an inspection committee the Director may appoint the committee from a list of the persons qualified to serve on the committee.

Director
may select
inspection
committee

(2) The owner, agent or manager shall withhold from time to time from the wages due to persons employed underground at the mine a *pro rata* amount sufficient to remunerate the persons selected under subsection (1).

[1955, c. 35, s. 62]

63. (1) The owner, agent or manager of a mine may require that an inspection committee be appointed and thereupon the persons employed at the mine shall appoint the committee.

When
appointment
required

(2) Where the inspection committee is appointed upon the requirement of the owner, agent or manager the cost of the committee and of the inspection shall be paid by the owner. [1955, c. 35, s. 63]

PART IV

CERTIFICATES AND EXAMINATIONS

Qualifications for Certificates

Qualifica-
tions for
certificates

64. No person shall hold or be granted a first class certificate or a second class certificate for underground mining unless

- (a) he is at least twenty-five years of age,
- (b) he has had
 - (i) five years' experience in underground coal mining including one year in work at the working face or its equivalent,
 - (ii) four years' experience in underground coal mining including one year in work at the working face or its equivalent and one year's experience in a machine, engineering or electrical engineering shop, or
 - (iii) if he holds a diploma or degree in scientific and mining training granted by an educational institution approved by the Board, three years' experience in underground coal mining including one year in work at the working face or its equivalent,
- and
- (c) he is the holder of
 - (i) a certificate from a recognized ambulance society,
 - (ii) a mine rescue certificate unless exempted by the Director, and
 - (iii) a miner's certificate.

[1955, c. 35, s. 64]

Qualifica-
tions for
3rd class
certificates

65. No person shall hold or be granted a third class certificate for underground mining unless

- (a) he is at least twenty-three years of age,
- (b) he has had
 - (i) three years' practical experience in an underground mine, or
 - (ii) if he holds a diploma or degree in scientific and mining training granted by an educational institution approved by the Board, two years' experience in an underground mine including one year in work at the working face or its equivalent,
- and

- (c) he is the holder of
 - (i) a certificate from a recognized ambulance society,
 - (ii) a mine rescue certificate unless exempted by the Director, and
 - (iii) a miner's certificate. [1955, c. 35, s. 65]

66. No person shall hold or be granted a manager's certificate for a strip mine unless

Qualifications for manager's certificate re strip mine

- (a) he is at least twenty-five years of age,
- (b) he has had
 - (i) at least two years' experience in strip mining operations including six months' experience as or under the supervision of a blaster, or
 - (ii) if he holds a diploma or degree in scientific and mining training granted by an educational institution approved by the Board, one year's experience in strip mine operations including six months as or under the supervision of a blaster,
- and
- (c) he is the holder of a certificate from a recognized ambulance society. [1955, c. 35, s. 66]

67. No person shall hold or be granted a foreman's certificate unless

Qualifications for foreman's certificate

- (a) he is at least twenty-three years of age,
- (b) he has had one year's experience in strip mining operations including six months as or under the supervision of a blaster, and
- (c) he is the holder of a certificate from a recognized ambulance society. [1955, c. 35, s. 67]

68. No person shall hold or be granted a blaster's certificate unless

Qualifications for blaster's certificate

- (a) he is at least twenty-one years of age,
- (b) he has had six months' experience in blasting under the supervision of a blaster, and
- (c) he is the holder of a certificate from a recognized ambulance society. [1955, c. 35, s. 68]

69. No person shall hold or be granted a mine surveyor's certificate unless

Qualifications for mine surveyor's certificate

- (a) he
 - (i) has had two years' practical experience in surveying underground mines,
 - (ii) has had one year's practical experience in surveying underground mines and two years' practical experience in surveying with an Alberta land surveyor or a Dominion land surveyor,

- (iii) holds a diploma or degree in scientific and mining training after at least two years' study in an educational institution approved by the Board, or
 - (iv) is an Alberta land surveyor or a Dominion land surveyor with three months' experience in mine surveying under a mine surveyor,
- and
- (b) he can
 - (i) make an accurate survey of the workings of an underground mine and connect the survey with a surface survey,
 - (ii) make accurate surveys and levellings, and
 - (iii) plot accurately surveys and levellings.
- [1955, c. 35, s. 69]

Qualifica-
tions for
first class
mine
electrician's
certificate

70. No person shall hold or be granted a first class certificate as a mine electrician unless

- (a) he is at least twenty-one years of age,
 - (b) he has had
 - (i) two years' electrical experience in a mine,
 - (ii) four years' practical electrical experience including six months' experience in a mine, or
 - (iii) if he holds a diploma or degree from a recognized electrical school approved by the Board, two years' practical electrical experience including six months' experience in a mine,
- and
- (c) he is the holder of a certificate from a recognized ambulance society.
- [1955, c. 35, s. 70]

Qualifica-
tions for
second class
mine
electrician's
certificate

71. No person shall hold or be granted a second class certificate as a mine electrician unless

- (a) he is at least twenty years of age,
 - (b) he has had
 - (i) at least one year's electrical experience in a mine,
 - (ii) two years' practical electrical experience including six months' experience in a mine, or
 - (iii) if he holds a diploma or degree from a recognized school approved by the Board, one year's practical electrical experience including six months' experience in a mine,
- and
- (c) he is the holder of a certificate from a recognized ambulance society.
- [1955, c. 35, s. 71]

Qualifica-
tions for
miner's
certificate

72. No person shall hold or be granted a miner's certificate or a provisional miner's certificate unless

- (a) he is at least eighteen years of age,

- (b) he has had one year's experience in an underground mine including six months' experience at a working face, and
- (c) he has sufficient knowledge of the English language to give and understand working directions and warnings.

[1955, c. 35, s. 72]

73. No person shall hold or be granted a miner's permit unless

Qualifica-
tions for
miner's
permit

- (a) he is at least seventeen years of age,
- (b) he has sufficient knowledge of the English language to understand working directions and warnings, and
- (c) he has had sufficient underground experience in a mine to be capable, in the opinion of the district inspector, of being employed at the working face under the supervision of the holder of a miner's certificate, or he is to be employed at a working face designated by the mine manager as a training place and approved for that purpose by the Director.

[1955, c. 35, s. 73]

Examinations

74. (1) Except in the case of a miner's certificate or a miner's permit, no person shall be granted a certificate until he has passed a written examination to show that he is a fit and proper person to hold the certificate.

Examination
for
certificate

(2) Notwithstanding subsection (1) but subject to the approval of the Board, the holder of a first class certificate for underground mines may within one year of his examination for the first class certificate apply for the issue to him, without examination, of a certificate of a manager for strip mines.

[1955, c. 35, s. 74]

75. No person shall apply for an examination for a certificate unless he has, or can within one year obtain, the qualifications prescribed by this Part for the certificate that he is a candidate for.

Qualifica-
tions before
examination

[1955, c. 35, s. 75]

76. (1) A person desiring to write an examination for a certificate shall make application to the Director at least one month before the examination is to be held.

Application
for
examination

(2) The application shall be accompanied by

- (a) evidence that the candidate has the qualifications for the certificate or can acquire the qualifications within one year, and
- (b) evidence of his experience, sobriety and general good conduct in and about mines.

[1955, c. 35, s. 76]

Medical
certificate

77. A person applying for a miner's certificate or a miner's permit shall present a medical practitioner's certificate in a form satisfactory to the Workmen's Compensation Board and certifying that the applicant is physically fit to perform the duties of a miner. [1955, c. 35, s. 77]

Issue of Certificates

Issue of
certificate

78. (1) Upon receiving

- (a) a report from the Board that upon examination it has found the applicant to be a fit and proper person to hold the certificate,
 - (b) proof that the candidate holds any qualifications that he was lacking at the time of the examination, and
 - (c) the fee prescribed for the certificate,
- the Director shall issue to the applicant the certificate applied for.

(2) The certificate shall not issue unless the examination referred to in clause (a) of subsection (1) was held within the last three years. [1955, c. 35, s. 78]

Issue of
certificate
without
examination

79. Where there is a reciprocal arrangement the Director may issue a certificate, without a written examination, to an applicant who

- (a) is a holder of a certificate granted in another Province of Canada or another jurisdiction in the Commonwealth of Nations that the Board deems equivalent to the certificate applied for, having consideration for the standard of training and examination required in the other Province or jurisdiction, and
- (b) has passed an oral examination by the Director and one other inspector as to his qualifications. [1955, c. 35, s. 79]

Suspension or Cancellation of Certificates

Suspension,
etc., of
permit

80. (1) The Director may, by order, suspend or cancel a miner's certificate, miner's provisional certificate or permit upon being satisfied that the holder thereof has been found guilty by a court of personally committing a dangerous act or of improperly conducting himself in or about a mine.

Appeal to
Minister

(2) A miner whose certificate or permit has been suspended or cancelled under subsection (1) may appeal to the Minister from the order of the Director.

(3) The Minister upon the appeal shall have the matter investigated, and may, in his discretion set aside, vary or confirm the order of the Director. [1955, c. 35, s. 80]

81. (1) If representation is made to the Minister that the holder of a certificate, other than a miner's certificate, is unfit to discharge his duty by reason of incompetence, misconduct, drunkenness or gross negligence, the Minister, if he thinks fit, may

Inquiry into
charge of
unfitness

- (a) cause an inquiry to be made into the representation,
- (b) order the person represented as unfit to deliver up his certificate to the Minister before the date fixed for the inquiry, and
- (c) hold until the conclusion of the inquiry the certificate so delivered up.

(2) If the person represented as unfit fails to comply with an order to deliver up his certificate the Minister may suspend or cancel the certificate.

(3) Before the commencement of the inquiry the Minister shall furnish the person represented as unfit with particulars of the representation that has been made against him.

(4) The inquiry shall be public, and shall be held by the Minister, or such person he appoints, at such time and place as he directs.

(5) The person represented as unfit

- (a) may attend the inquiry by himself, his solicitor or agent, and
- (b) may, if he thinks fit, be sworn and examined as a witness.

(6) The Minister or the person appointed by him to make an inquiry under this section has all the powers that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

(7) Upon the conclusion of the inquiry, the Minister may in accordance with the findings

- (a) return the certificate if the representation is not proved, or
- (b) suspend or cancel the certificate if the holder is found to be unfit.

(8) The Minister may make such order as he thinks fit respecting the costs and expenses of the inquiry, and the order, upon being filed with a Clerk of the Supreme Court, has the same effect as a judgment of the Supreme Court.

[1955, c. 35, s. 81]

82. (1) Where the holder of a certificate is convicted of an offence against this Act or the regulations, the Minister, in his discretion, may cancel or suspend the convicted person's certificate.

Minister
may
suspend, etc.
certificate of
convicted
person

(2) A certificate that is cancelled or suspended under this section shall be the certificate under which the convicted person was working at the time the offence was committed and any certificate of higher qualifications.

(3) The suspension or cancellation of a certificate under this section does not affect the convicted person's rights as a holder of a certificate he holds in a lesser qualification.
[1955, c. 35, s. 82]

Surrender of
certificate on
suspension,
etc.

83. Where a certificate is cancelled or suspended the holder of the certificate forthwith shall surrender up and deliver the certificate to the Minister. [1955, c. 35, s. 83]

Publication
of suspension
notice

84. Notice of a suspension or cancellation of a certificate shall be published in *The Alberta Gazette*.
[1955, c. 35, s. 84]

Renewal or
restoration
of certificate

85. The Minister may at any time and in his discretion renew or restore, upon such terms as he may prescribe, a certificate that has been cancelled or suspended.
[1955, c. 35, s. 85]

Miscellaneous

Powers of
Lieutenant
Governor
in Council

- 86.** The Lieutenant Governor in Council may
- (a) prescribe fees to be paid in respect of examinations, certificates and permits,
 - (b) make regulations respecting provisional certificates,
 - (c) make regulations regarding the appointment of miners' boards to conduct examinations for miners' certificates and regarding the performance of their duties,
 - (d) suspend the operation of the provisions of this Act regarding miners' certificates or miners' permits and the granting thereof, and
 - (e) make regulations regarding examinations for, and granting of miners' permits. [1955, c. 35, s. 86]

Register of
certificates

87. (1) The Director shall keep at his office a register of all certificates granted by him under this Act or by the Commissioner of Public Works for the North-West Territories, the Minister, the Chief Inspector of Mines or the Director under any Act in substitution for which this Act was passed.

- (2) The Director shall note in the register
- (a) any cancellation or suspension of a certificate, or
 - (b) any other reason by which a certificate ceases to be subsisting. [1955, c. 35, s. 87]

Issue of
copy of lost
certificate

88. (1) Where the holder of a certificate proves to the satisfaction of the Director that he has, through no fault of the holder, lost or been deprived of the document issued by the Director and evidencing his certification, the Director shall issue to him a certified copy of the certificate that the applicant appears from the register to be entitled to.

(2) The certified copy of a certificate has all the force and effect of the original certificate of which it is a copy.
[1955, c. 35, s. 88]

89. (1) When the holder of a miner's certificate, provisional certificate or permit commences work at a mine for which a certificate or permit is required, he shall deliver his certificate or permit to the owner, agent or manager of the mine.

Deposit of
certificate
or permit at
mine office

(2) The owner, agent or manager of the mine

Issue of
receipt for
certificate

- (a) shall issue a receipt for the certificate or permit,
- (b) shall retain the certificate or permit at the office of the mine so long as the holder's employment continues, and
- (c) shall return the certificate or permit immediately upon termination of the employment and receive a receipt therefor from the holder.

[1955, c. 35, s. 89]

90. (1) When a mine is being closed down the certificates and permits that have not been returned to their holders shall be delivered up forthwith to the district inspector.

Delivery of
certificates
to district
inspector

(2) When the holder of a miner's certificate, provisional certificate or permit dies, if the certificate or permit of the deceased holder is in the possession of the owner, agent or manager of a mine, the certificate or permit shall be delivered up forthwith to the district inspector.

[1955, c. 35, s. 90]

91. (1) No person shall work at the working face of an underground mine as a miner unless he holds a miner's certificate or a first class, second class or third class certificate or a miner's permit.

Certificate
required to
work at face

(2) Notwithstanding subsection (1), a person may do repair work at the working face on coalcutters, machinery, cables, motors and other equipment if

- (a) he is an electrician, mechanic, pipe fitter or skilled employee, and
- (b) when the part of the mine in which he is working is not in normal operation, he is accompanied by the holder of a miner's certificate or a first class, second class or third class certificate.

[1955, c. 35, s. 91]

92. No person shall

False repre-
sentation

- (a) falsely represent himself to be the holder of a certificate or permit not held by him,
- (b) represent himself as the holder of the certificate or permit of another person,
- (c) undertake any employment for which a certificate is required by this Act when he is not the holder of such a certificate, or

- (d) being an official of a mine, employ to do any work, whether as a regular occupation or otherwise, a person who is not the holder of a certificate required by this Act for a person doing such work. [1955, c. 35, s. 92]

PART V

EMPLOYMENT AND WAGES

Persons Employable

Records
kept in
mine office

93. The owner, agent or manager of a mine shall keep in the mine office

- (a) a book in which shall be entered the name, age, residence, number of certificate and date of first employment of each person employed in connection with the mine, and
- (b) a daily record of
 - (i) the times of checking in and checking out of each person employed in connection with the mine, and
 - (ii) if the time between checking in or checking out or commencement and cessation of work, of any employee exceeds that permitted by the Act, the reason for the excess.

[1955, c. 35, s. 93]

Sex and age
of mine
employee

94. (1) No person shall be employed in or about a mine unless he is a male and at least seventeen years of age.

(2) The owner, agent or manager is not liable to a penalty by reason of employing a person under the age of seven-teen years in or about a mine if

- (a) the underaged person was employed upon the representation of a statutory declaration that he was of the full age of seventeen years, and
- (b) the owner, agent or manager believed in good faith that the underaged person was of the age represented.

(3) This section does not apply to the employment of a person engaged in the performance of clerical work or of domestic duties in a hotel, boarding house or residence operated in connection with the mine. [1955, c. 35, s. 94]

Person
commencing
employment
to furnish
medical
certificate

95. (1) A person who has not previously been employed in a mine in the Province shall, before commencing such employment, furnish the owner, agent or manager of the mine with a medical practitioner's certificate in a form satisfactory to the Workmen's Compensation Board certifying that the prospective employee's eyesight is satisfactory and that he is physically fit to work in the mine.

(2) A person who has not been employed in a mine within six months preceding his re-employment shall, before commencing such re-employment, obtain a new examination by a medical practitioner, and shall furnish the owner, agent or manager with the medical practitioner's certificate in a form satisfactory to the Workmen's Compensation Board and showing that the prospective employee's eyesight is satisfactory and that he is physically fit to work in the mine.

(3) The owner, agent or manager shall keep each certificate furnished to him under this section at the mine office during the time in which the person named in the certificate is employed. [1955, c. 35, s. 95]

Hours of Employment

96. (1) Except under circumstances specifically authorized by this Act, no person on a shift shall be, or be allowed to be, below ground in a mine in the course of his employment for more than eight hours during any period of twenty-four consecutive hours. Maximum hours of work

(2) Each person on a shift shall be deemed to have complied with subsection (1) if the period between Calculation of length of work period

- (a) the time the first workman on the shift leaves the surface and the first workman returns to the surface, and
- (b) the time at which the last workman on the shift leaves the surface and the last workman returns to the surface

does not exceed the permitted periods.

(3) Notwithstanding subsection (1) a person employed at the mine may remain below ground

- (a) for the purpose of rendering assistance in the event of accident,
- (b) for meeting any danger, or
- (c) for dealing with an emergency or exceptional work that is required to be done without interruption in order to avoid serious interference with the ordinary work at the mine.

(4) Notwithstanding subsection (1) a repairing shift may, for the purpose of avoiding work on Saturday or Sunday, commence a period of work on Friday or Saturday,

- (a) before twenty-four hours have elapsed since the commencement of its last period of work, and
- (b) at least eight hours after the end of the last period of work.

(5) No person shall be deemed to have contravened subsection (1) if he has taken all reasonable means to prevent a contravention thereof. [1955, c. 35, s. 96]

Fixing times
of shifts

97. The owner, agent or manager

- (a) shall fix the times at which a shift will enter and leave the mine,
- (b) shall fix times so that
 - (i) each person on the shift will have the opportunity of returning to the surface within the time prescribed by the Act, and
 - (ii) the time during which lowering or raising is done does not exceed that reasonably required,
- (c) shall make all arrangements necessary for the observance of the times posted for the lowering and raising of shifts, and
- (d) shall station a person at the pit head
 - (i) to direct the lowering and raising of persons to and from the mine,
 - (ii) to record the times at which persons are lowered into and raised from the mine, and
 - (iii) to record the name or number of each person going below ground and returning from below ground on each shift.

[1955, c. 35, s. 97]

Person going
or returning
from below
ground shall
report

98. Each person employed at a mine shall immediately before going below ground and immediately after returning from below ground report his presence to the person stationed at the pit head.

[1955, c. 35, s. 98]

Wages

Wages

99. (1) Where the amount of wages paid to persons employed in a mine depends on the amount of coal or other mineral obtained, the persons so employed shall be paid according to the weight of the coal or other mineral obtained by them, unless otherwise expressly provided by an agreement between the employer and employees.

Coal shall
be weighed
near
entrance

(2) The coal or other mineral shall be weighed as close to the mine entrance as practicable.

(3) Before being weighed each car shall be disconnected from other cars and shall be brought to a complete stop.

(4) Where

(a) conditions prevent the separate weighing of the coal or other mineral from any individual working place, or

(b) the production from a number of working places is taken from one central loading point or chute, the total tonnage shall be weighed and an allocation made to the workmen engaged in obtaining the coal or other mineral, on the basis of measurements taken at the working places.

[1955, c. 35, s. 99]

100. (1) Upon being satisfied that the provisions of section 99 cannot be conveniently applied to any mine, the Minister may by order exempt the mine from the provisions of that section. Minister may exempt weighing of employees' production

(2) An exemption from the provisions of section 99

- (a) may be made subject to such conditions as may be specified in the order,
- (b) may be made applicable for a specified period, or until further order, and
- (c) may be varied or revoked at any time.

[1955, c. 35, s. 100]

101. (1) The owner, agent or manager of a mine and an employee who is paid according to the amount of coal or other mineral obtained may in writing agree to deductions being made in respect of Deduction for stone or improper loading

- (a) stones and other foreign material sent out of the mine with the coal or other mineral, and
- (b) improper filling of cars by the persons obtaining the coal or mineral or by the loader.

(2) In the absence of an agreement as provided for in subsection (1), no deductions shall be made for any of the matters specified in that subsection.

(3) When an agreement made pursuant to subsection (1) does not specifically provide the manner in which the deductions may be made, the manner shall be determined

- (a) by a further agreement between the owner, agent or manager and the persons employed, or
- (b) by a person appointed by the owner, agent or manager and a check-weigher or other person appointed by the employees, or if they cannot agree, by a third person appointed by such appointees.

(4) The Minister may

- (a) when the owner, agent or manager or the employees fail to appoint a person to determine deductions, appoint a person for that purpose on their behalf, or
- (b) when the persons appointed by the owner, agent or manager and by the employees cannot agree on a method of determination or upon a third appointee, appoint a third person to determine the method of deductions.

(5) The owner, agent or manager shall provide each person appointed under this section with every facility that is necessary to determine the amount of the deductions and the method by which they are determined.

[1955, c. 35, s. 101]

102. (1) An employer may, without an order or request to do so, retain out of moneys due to a person employed in or about a mine any sum payable by such person for explosives, coal, oil or other supplies, or for rent. Deductions from wages

(2) The owner, agent or manager of a mine may, upon the written request of a person employed in or about a mine and in strict accordance with the request, apply the whole or any part of the money due to that person to the payment of hospital dues, sick and accident fund dues or union dues payable by that person. [1955, c. 35, s. 102]

PART VI

PERMITS TO OPERATE AND ABANDONMENTS

Commencement of Operations

Permit for
mining
operations

103. No person shall

- (a) begin any mining operations at a place at which mining operations have not been previously carried on,
- (b) begin anew any mining operations at an abandoned mine or at a mine where mining operations have been discontinued for a period of more than twelve months, or
- (c) carry on any mining operations at any place in the Province,

unless he holds a permit issued by the Director and authorizing the same. [1955, c. 35, s. 103]

Application
for permit

104. An application to the Director for a permit for mining operations shall be accompanied by

- (a) proof that the applicant has complied with the requirements of *The Industrial Wages Security Act*, and
- (b) a program setting out the particulars of the proposed operations for the development of the mine. [1955, c. 35, s. 104]

Operation
of mine
within
permit

105. (1) The owner, agent or manager in the operation of his mine shall not, without the consent in writing of the Director, depart from or go beyond the program of operations upon which his permit to operate is based.

(2) An application for the consent of the Director to a departure from or extension to the program of operations shall be accompanied by a program of the proposed departure or extension. [1955, c. 35, s. 105]

Director
may refuse
permit

106. The Director shall not grant a permit to operate if, in his opinion, the proposed operations would preclude the recovery of coal that could be recovered by practical and reasonable operations. [1955, c. 35, s. 106]

Notice of Certain Changes

Notification
of change of
ownership

107. (1) Where a change in the ownership of a mine occurs, the new owner, or his agent or manager shall notify the Director and the district inspector forthwith in writing.

(2) The mining operations at the mine shall be discontinued after twenty days from the change of ownership unless the Director renews the permit for the operations at the mine. [1955, c. 35, s. 107]

108. The owner, agent or manager shall advise the Director and the district inspector in writing within twenty days after Notice of certain changes

- (a) a change in the name of the mine,
- (b) a change of owner, agent, manager, assistant manager, overman or foreman,
- (c) a change in the officers of a corporate owner,
- (d) work begins on the opening of a mine or seam, or
- (e) a mine is abandoned or the working thereof discontinued. [1955, c. 35, s. 108]

Abandonment of Mines

109. (1) No owner shall suspend operations at or abandon a mine or an integral part thereof without first obtaining approval of the Director on a form, which may be obtained from the Director. Approval of abandonment

(2) Upon receiving an application for the Director's approval of a suspension or of an abandonment the Director may

- (a) vary the proposed program or prescribe a program to be used in the operations, or
- (b) prescribe the conditions under which approval is given.

(3) For the purpose of this section, a district shall be deemed not to be an integral part of a mine. [1955, c. 35, s. 109]

110. (1) Where mining operations have been suspended with the approval of the Director and are not resumed within twelve months of such approval or such lesser time as the Director may have set out in the approval, the owner may, if he gives reasons therefor, apply to the Director for an extension of the time of suspension and the Director in his discretion may refuse the application or may grant it in whole or in part. Procedure on expiry of suspension

(2) If

- (a) the time of suspension is not extended,
- (b) an application for such extension is not made, or
- (c) a mine in respect of which no application under section 109 has been made has not in the opinion of the Director been worked or maintained,

the Director may order the owner to abandon the mine in accordance with his instructions.

(3) If any question arises as to whether a mine has been or should be abandoned, the decision of the Minister is final. [1955, c. 35, s. 110]

Abandonment Operations

Abandoned
shafts

111. (1) Where a mine is abandoned, or the working thereof permanently discontinued, the owner and every other person interested in the coal in the mine shall thereupon cause the top of each shaft or entrance from the surface to be protected, by filling the shaft from the bottom to the top and packing with ashes, dirt or other debris, to the satisfaction of the Director.

(2) Where the use of a slope, level or other opening has been discontinued the owner, agent or manager shall cause the entrance to be filled with debris or other material or otherwise protected as may be prescribed by the district inspector. [1955, c. 35, s. 111]

Abandon-
ment
operations
at strip
mine

112. (1) When the operation of a pit at a strip mine has been discontinued, such precautions shall be taken as may be directed by the district inspector.

(2) Subject to subsection (3), the land on which a strip mine is located shall be back filled and levelled as the operations progress and shall be restored as nearly as possible to its original condition.

(3) At a strip mine in a pitching seam no back filling shall be done unless the Director in writing requires or consents to the back filling. [1955, c. 35, s. 112]

Abandon-
ment
operations
at test pits

113. Any person making a test hole or pit for the purpose of searching for or proving a coal seam shall fill the hole or pit as soon as it has served its purpose or when ordered to do so by the district inspector, whichever sooner occurs. [1955, c. 35, s. 113]

Order to
abandon
past
operations

114. Where operations have at any past time been conducted to search for, prove or mine coal, the Minister may order the owner of the coal to do whatever the Minister deems necessary to abandon the operations.

[1955, c. 35, s. 114]

Effect of
approval of
abandon-
ment

115. The approval of the Director to an abandonment operation does not relieve the owner, the owner of the coal, or any other person liable of the burden of any other or further abandonment operation that may from time to time be necessary. [1955, c. 35, s. 115]

Minister
may perform
abandon-
ment
operations

116. (1) Where with respect to any abandoned or discontinued mine or part of a mine a person fails to perform satisfactorily any abandonment operation that he is required to do by this Act, or fails to fill or drain an abandoned mine or works in accordance with an order of the Director, the Minister, or any person duly authorized by him, may enter the mine and do whatever the Minister deems necessary because of the failure.

(2) The costs incurred by the Minister or the person authorized by him under subsection (1) are a debt payable to the Provincial Treasurer by the person who failed to perform the abandonment operation in accordance with this Act or failed to comply with the order of the Director.

[1955, c. 35, s. 116]

117. The performance of any operation in accordance with this Part does not exempt any person from any liability under any other Act or at common law. [1955, c. 35, s. 117]

Liability
under
other Act

118. No agreement by an owner, a person interested in a mine, or a person interested in the coal, with any other person

No
agreement
relieves
owner

(a) relieves the owner of any obligation

(i) to perform an abandonment operation at an abandoned or discontinued mine or part of a mine, or

(ii) to comply with an order of the Director requiring him to fill up or drain any abandoned mine or works,

(b) precludes or prevents the conduct of any operation necessary for the purposes set out in clause (a), or

(c) relieves the owner of the mine, as between himself and any other person, of liability with respect to any such operation and the cost and expenses thereof.

[1955, c. 35, s. 118]

119. No person shall without authority remove or tamper with any protection provided to safeguard any slope, shaft, drift or opening to a mine or any pit at a mine.

No removal
of protection

[1955, c. 35, s. 119]

Abandonment Plans

120. (1) The owner of a mine that is either temporarily or permanently abandoned shall deposit with the Director within three months or such further time as the Director in writing may allow the plan of the mine.

Abandon-
ment plans

(2) The plan shall be to such specifications as are required for a plan kept while the mine is being worked, and shall show the position of all workings up to the date of abandonment.

[1955, c. 35, s. 120]

121. If an abandoned mine is re-opened the Director shall return to the owner the plans deposited with him upon the abandonment if

Re-opening
of aban-
doned mine

(a) the owner requests this return, and

(b) the owner furnishes the Director with copies of such of the plans as the Director may require.

[1955, c. 35, s. 121]

Judge may
order
delivery of
plans

122. Upon an application by the Minister, a judge of the Supreme Court may, by order, require any person having in his custody or possession any plan of an abandoned mine or seam to deliver it to the Director for the purpose of inspection and copying. [1955, c. 35, s. 122]

PART VII

PLANS

Scope of
mine plan

123. (1) The owner, agent or manager of a mine shall keep at the mine office a plan of the mine, and the plan shall show

- (a) the workings of the mine on a scale of not more than two hundred feet to the inch,
- (b) the workings surveyed up to a date not more than twelve months previous,
- (c) extensions to the workings sketched in up to a date not more than three months previous, and
- (d) the position of the entrances to the mine with regard to a survey monument.

(2) The district inspector, in writing, may extend the period provided in clause (c) of subsection (1).

Detail of
mine plan

(3) In addition to the particulars required by subsection (1) the plan shall show

- (a) the boundaries of the workings of the mine and all working places,
- (b) the position, direction and extent of each known fault in the mine with its vertical throw, and of each known washout or dike,
- (c) the position of the workings with regard to the surface,
- (d) the general direction and degree of dip of the strata,
- (e) the depth, which shall be referred to a bench mark on the surface near the entrance of the mine and which shall be in relation to sea level, of each shaft and the elevation of the floor of the coal, in feet and decimals thereof, at reasonable intervals on the main entries and slopes, and at such other places as the district inspector may require,
- (f) a section of the seam,
- (g) the outer boundary of the area comprised in the last preceding survey indicated by a line, and the date upon which the last survey was made,
- (h) the legal description of all land from which the coal is mined,
- (i) the boundaries of each lease or other grant of coal

- (i) within which any part of the mine is contained,
or
- (ii) that comprises an area laterally adjoining the
mine from which the owner of the mine has
the right to obtain coal,
and
- (j) the name of the owner of the coal, and the date and
number, if any, of such lease or other grant.

[1955, c. 35, s. 123]

124. The owner, agent or manager shall keep at the mine office a plan in like detail as that prescribed by section 123 and showing the workings of every seam in which operations are conducted.

Plan of workings

[1955, c. 35, s. 124]

125. The owner, agent or manager of a mine shall upon request produce at the mine to an inspector or electrical inspector the plan of the workings and shall upon request mark on the plan the progress of the workings of the mine up to the time of such production of the plan.

Production of plan for inspector

[1955, c. 35, s. 125]

126. The owner, agent or manager of a mine shall furnish the Director and district inspector with an up to date plan of the mine at least once a year.

Owner or manager shall furnish inspectors with plan

[1955, c. 35, s. 126]

127. (1) The owner, agent or manager of a mine shall keep at the mine office a plan of the mine drawn to the scale prescribed in section 123 and showing the position of the workings of the mine in relation to any petroleum, natural gas or other pipe line crossing any lease or grant in which the mine or part thereof is comprised.

Plan showing pipe lines

(2) The owner, agent or manager of the mine shall forward a copy of the plan to the Director as soon as the vertical planes in which the workings lie approach within five hundred feet of a petroleum, natural gas or other pipe line.

[1955, c. 35, s. 127]

128. The owner, agent or manager of a mine shall post in a conspicuous place at the mine a plan showing the principal ways of ingress and egress to and from the various outlets with the travelling roads leading thereto.

Plan of outlets

[1955, c. 35, s. 128]

129. A mine surveyor shall not for the purposes of any provision in this Act furnish a plan that does not comply with the specifications and contain the information required by the provision.

Specifications of plan

[1955, c. 35, s. 129]

130. (1) Where a mine plan is not furnished or kept in accordance with the requirements of this Part, the Director may, in addition to any other procedure or remedy, require the owner, agent or manager to cause a correct plan of the mine to be made within thirty days.

Survey and plan

(2) In the event of non-compliance with a requirement of the Director under subsection (1), the Director may cause a survey and plan of the mine to be made.

(3) The cost of a survey and plan made under subsection (2) is a debt payable to the Provincial Treasurer by the owner, agent and manager of the mine jointly and severally. [1955, c. 35, s. 130]

Viewing
plan

131. (1) No person other than an employee of the Department or the owner of the coal may view a plan in the possession of the Director except on payment of such fee as may be prescribed.

(2) Where a copy of a plan is obtained from the Director, the preparation thereof shall be at the cost of the person applying therefor. [1955, c. 35, s. 131]

PART VIII

MINE BUILDINGS

Buildings at Mine

Mine
buildings

132. (1) The owner of a mine shall provide at the mine sufficient buildings to provide, in accordance with the provisions of this Act and regulations,

- (a) a mine office,
- (b) places for storage and distribution of explosives,
- (c) a washhouse,
- (d) latrines, and
- (e) a lamp house if safety lamps are used at the mine.

Person in
charge of
buildings

(2) The manager shall in writing appoint a responsible person to have charge of the buildings required by this Part and to carry out and enforce the provisions of this Act and regulations governing such buildings.

[1955, c. 35, s. 132]

Building
shall be kept
dust-free

133. (1) A tippie or cleaning plant shall be kept as clear as practicable of fine dust and cleaned off at least once daily.

(2) The district inspector may order all smoking stopped in or about the buildings and impose other safety rules he may consider necessary if in his opinion coal dust held in suspension in the atmosphere at a tippie, cleaning plant, screen or other building is of such quality and fineness as to be dangerous. [1955, c. 35, s. 133]

Washhouses

Washhouse

134. (1) Where more than twenty persons are employed at a mine, sufficient accommodation to enable the employees to wash themselves conveniently and to dry and change their clothes shall be provided.

(2) The washhouse shall be located near the principal entrance of the mine, and shall not be in an engine house or boiler house.

(3) Where employees enter and leave a mine at a distance from the main entrance and beyond a reasonable distance from washing facilities, the Minister may order a washhouse and a lamp house to be provided as near as is practicable to the place at which the employees enter and leave the mine. [1955, c. 35, s. 134]

135. (1) The owner, agent or manager of the mine shall before any washhouse is erected submit plans and specifications of the washhouse to the Director and shall obtain in writing the Director's approval, which shall set out the maximum number of men for which the washhouse is approved. Plans of washhouse

(2) A washhouse shall be

- (a) of sufficient size for the use for which it is approved,
 - (b) efficiently lighted and ventilated,
 - (c) constructed of a material approved by the Director,
 - (d) provided with a floor of cement or like material so laid that water will drain away,
 - (e) so constructed that it may be easily cleaned to prevent accumulations of dirt,
 - (f) provided with a readily available shower or spray for each ten persons in the largest shift using the washhouse, and the shower or spray shall be so equipped that a person showering or spraying can regulate the supply of hot and cold water,
 - (g) provided with lockers or hangers on which the employees may keep their clothes and other articles securely locked,
 - (h) provided with efficient means for drying clothes in lockers or on hangers, and
 - (i) provided with two means of exit.
- Specifications for washhouse

(3) The clear floor space in the change room of a washhouse shall not be less than eight square feet for each person in the largest shift using the washhouse, but the area occupied by benches used in front of lockers may be calculated in the clear floor space. [1955, c. 35, s. 135]

136. (1) The owner, agent or manager shall cause a washhouse to be kept in good repair and heated, when in use, to approximately seventy degrees Fahrenheit. Water supply

(2) The water supplied in a washhouse shall be suitable for washing and not injurious to health.

(3) If the suitability of the water supply is questioned it shall be determined by the analysis of a sample thereof by the Provincial Analyst. [1955, c. 35, s. 136]

Washhouse
rules

137. (1) The owner, agent or manager may make rules governing the use of a washhouse,

(a) requiring the washhouse to be kept in a clean and sanitary condition, and

(b) with respect to conduct therein,

but the rules shall be subject to the approval in writing of the district inspector.

(2) When approved by the district inspector, the rules shall be posted in a conspicuous position in the washhouse.

[1955, c. 35, s. 137]

Contribu-
tions for
washhouse

138. Where a washhouse is provided in accordance with this Act, persons employed at the mine shall contribute from time to time such sums as may be agreed upon between such persons and the owner, agent or manager.

[1955, c. 35, s. 138]

Latrines

Latrines

139. (1) Suitable latrines or outhouses for sanitary purposes shall be maintained in convenient positions near the outlets and surface works of a mine.

(2) Each latrine or outhouse

(a) shall be kept in a clean and sanitary condition and in good repair, and

(b) if not of a flushing type, shall be emptied at least twice each week.

[1955, c. 35, s. 139]

Underground Filling Station

Under-
ground
filling
stations

140. (1) The oil tanks of diesel locomotives shall be filled only at filling stations authorized by the manager and approved by the district inspector.

(2) An underground filling station

(a) shall have a smooth concrete floor,

(b) shall be ventilated by a through current of air,

(c) shall be constructed of non-inflammable material and provided with fire-proof doors opening outward, and

(d) shall contain adequate fire fighting equipment in good working order and approved by the district inspector.

Oil at filling
station

(3) The oil supplied at a filling station and used in a diesel locomotive underground

(a) shall have a flash-point of not less than 150 degrees Fahrenheit as certified by the refiner,

(b) shall be taken below ground only in sufficient quantity for one day's work unless permission to take in a larger quantity is obtained from the district inspector, and

(c) shall be taken below ground in strong metal receptacles that do not leak.

(4) Adequate means shall be provided to prevent the spilling of oil during the filling of oil tanks.

(5) Spilled oil shall be

- (a) immediately taken up with sand,
- (b) deposited in a fire-proof receptacle, and
- (c) removed from the mine at intervals not exceeding twenty-four hours.

(6) All empty oil containers shall be taken out of the mine daily.

(7) A copy of this section shall be posted in a conspicuous place at each underground filling station.

[1955, c. 35, s. 140]

Stables

141. (1) Underground stables shall be located so that ventilation through them will pass directly to the return Under-ground stables airway.

(2) The stable, in construction and material shall be as nearly as practicable incombustible.

(3) No person with an open light shall enter or remain in a stable.

(4) Any person in a stable shall extinguish any open light he may find and all other unnecessary lights.

(5) No inflammable material shall be placed in a stable except such hay as is needed for immediate use.

(6) An underground stable that accommodates more than four horses shall be provided with

- (a) buckets and constantly filled water barrels, and
- (b) a water pressure system with suitable hose connections and hose, or an adequate supply of chemical fire extinguishers.

(7) All manure in a mine shall be removed each working day.

[1955, c. 35, s. 141]

Water

142. (1) If it appears to the Director, from an inspector's Water report or otherwise,

- (a) that water from a mine or mine building, or
- (b) that because of the presence of mining operations, water from another source,

may cause injury or damage or be a source of danger, inconvenience or nuisance, the Director may in writing order the owner, agent or manager, forthwith upon receipt of the order, to dispose of the water or provide for its disposition in such manner as may be set out in the order.

(2) The owner, agent or manager, if he disputes the reasonableness or necessity of the order shall, within forty-eight hours of receiving the order, forward in writing to the Director a notice of his objection.

(3) A dispute under subsection (2) shall be decided by arbitration pursuant to this Act and pending the decision by arbitration the order objected to shall be suspended.

(4) An owner, agent or manager shall

- (a) comply with the order of the Director under this section, or
- (b) in the event of dispute, comply with the decision made after arbitration. [1955, c. 35, s. 142]

PART IX

SHAFTS, SLOPES AND HAULAGE

Cager or Onsetter

Cager or
onsetter

143. (1) The owner, agent or manager of an underground mine shall appoint a cager or onsetter.

(2) The cager or onsetter shall be subject to the control of the overman and shall have the general direction of work at the pit bottom.

(3) The cager or onsetter

- (a) shall ensure that persons, animals, cars and materials are raised safely,
- (b) shall prevent persons from ascending in or on a cage or trip if the opposite cage or trip contains any material,
- (c) shall prevent persons from ascending in or on a cage that contains a car, and
- (d) shall comply with the notice respecting the maximum number of persons that may be carried in a cage.

(4) Notwithstanding subsection (3), a cager or onsetter may permit a person to be raised in a cage or trip where, to provide a back balance, material is placed on the opposite cage or trip and safely secured.

[1955, c. 35, s. 143]

Banksman

Duties of
banksman

144. (1) The banksman

- (a) shall direct work at the pit head,
- (b) shall ensure that persons, animals, cars and material are lowered safely,
- (c) shall prevent persons from descending in or on a cage or trip if the opposite cage or trip contains any material,
- (d) shall prevent persons from descending in or on a cage that contains a car,

- (e) shall report to the manager any defect noticed in the stop-blocks or other appliances, and
- (f) shall comply with the notice respecting the maximum number of persons that may be carried in a cage.

(2) Notwithstanding subsection (1), the banksman may permit a person to be lowered in a cage or trip where, to provide a back balance, material is placed on the opposite cage or trip and safely secured. [1955, c. 35, s. 144]

Hoistman

145. The hoistman

Duties of
hoistman

- (a) shall run his hoist only when it is properly provided with brakes, indicators and necessary control appliances,
- (b) shall exclude from his hoist room any person not there in the course of his duties or not properly authorized by the manager,
- (c) shall refrain from conversation while his hoist is in motion and while attending to signals,
- (d) shall run his hoist with extreme caution when men are raised or lowered,
- (e) shall raise or lower men at only a safe speed,
- (f) shall inspect the hoisting machinery and its safety appliances and all ropes and hoisting apparatus in accordance with the directions of the manager, and
- (g) shall report to the manager any defects found in the machinery, appliances, ropes and apparatus.

[1955, c. 35, s. 145]

Signalling

146. (1) Where men or materials are raised or lowered in any shaft or slope in an underground mine, signals shall be used. Code of
signals

(2) Signals used shall be those set out in Form 2 in the Schedule and such additional signals for a purpose not set out in Form 2 as may be added by the mine manager.

(3) The signals shall be given by means of a gong, bell or other sounding device.

(4) A notice setting out the signals shall be posted in the engine room, at the pit head, and at each terminal, intermediate point or landing place in the shaft, slope or pit.

(5) In sinking a shaft

- (a) the signals set out in Form 2 do not apply, and
- (b) the manager shall prescribe a code of signals and cause it to be posted at appropriate places.

[1955, c. 35, s. 146]

Improper
signals

147. (1) No person shall improperly use or remove any signal, signal wire or signal apparatus.

(2) No person shall without proper authority

(a) give any signal, or

(b) work or interfere with any signalling apparatus.
[1955, c. 35, s. 147]

Telephone
in shafts,
slopes and
roads

148. In a mine in which more than thirty men are employed underground, telephonic communication shall be provided,

(a) between the top and bottom of shafts over one hundred feet in depth,

(b) between the top, bottom and landing places of slopes over two hundred feet in length, and

(c) between the ends of haulage roads over two thousand feet in length.
[1955, c. 35, s. 148]

Telephone
in combined
operations

149. Where combined operations are being carried on, telephonic or equivalent communication shall be provided between the stripping and underground operations, and the receiving units shall be placed so that the signal bell will be heard clearly by the attendant.
[1955, c. 35, s. 149]

Communica-
tions in shaft

150. Each working shaft over fifty feet in depth and used for the raising or lowering of persons or minerals in an underground mine, shall be provided with means of communicating signals between the surface and the bottom of the shaft and from each entrance in use off the shaft to the surface and the bottom of the shaft.
[1955, c. 35, s. 150]

Communica-
tions in
slope

151. (1) Each underground slope exceeding ninety feet in length and that is self-acting or worked by engine, windlass or gin shall be provided with means of communicating signals between the stopping places and the ends of the slope.

(2) Each back or counter-balance exceeding ninety feet in length and used to raise or lower coal or other minerals shall be provided with means of communicating signals between the lower end, the entrance of every working place thereon, and the upper end.

(3) This section applies to places worked on the McGinty System or any other gravity system where the loaded car raises the empty car.
[1955, c. 35, s. 151]

Outlets

Outlets

152. (1) From each seam that is being worked there shall be at least two outlets available for egress of the persons employed in the seam.

Communi-
cation roads

(2) The outlets shall be at least one hundred feet apart in all places and joined by a communication road.

(3) Adequate ladders or other apparatus for using the outlets shall be kept at each outlet in good repair and available. Ladders
[1955, c. 35, s. 152]

153. Each part of a mine in which ten or more persons are employed at the same time shall be provided with at least two ways of egress to the surface unless the Director in writing grants an exemption from this requirement. Egress
from mine
[1955, c. 35, s. 153]

154. Each outlet, communication road, airway or travelling road shall be not less than five feet wide and five feet high. Size of
outlets
[1955, c. 35, s. 154]

155. (1) In addition to any other procedure that may be taken by any person application may be made in the Supreme Court for an injunction to prohibit the working of a mine in contravention of the provisions of this Act respecting outlets. Judge may
enjoin
operation
without
outlets

(2) Notice of the application shall be served on the owner, agent or manager of the mine not less than ten days before the application is heard.

(3) Upon hearing the application the judge may award such costs as he thinks just. Costs
[1955, c. 35, s. 155]

156. The provisions of this Act with respect to outlets do not apply Exemption
regarding
outlets

(a) where not more than twenty persons are employed at one time in workings connected with a single outlet

- (i) in a new mine or seam being opened,
- (ii) in any working for the purpose of making communication between two or more outlets,
- (iii) in a working for the purpose of searching for or proving coal, or
- (iv) in a proved mine which may be ordered by the Director to be exempt from the outlet provisions upon the ground

(A) that the coal is insufficient to repay the outlay for a second outlet or for a communication between outlets to replace one that has become unavailable, or

(B) that the workings of a seam have reached the boundary of the property or coal field and it is expedient to work away the pillars already formed notwithstanding that one of the outlets may be cut off,

or

(b) where a mine is exempt from the outlet provisions for the time being by the order of the Director while an outlet is being made or while an outlet, by reason of accident, is unavailable for use.

[1955, c. 35, s. 156]

Man-holes

Man-holes
in slopes

157. (1) In an underground mine each slope or incline that is over sixty feet long and self-acting or worked by an engine, windlass or gin and on which persons normally travel, shall be provided with sufficient man-holes or places of refuge at intervals of not more than sixty feet and at landings.

Man-holes
in levels

(2) In an underground mine each level, entry or tunnel over any part of which the coal or other mineral in transit exceeds ten tons in an hour, if the coal or mineral is drawn by animal, shall have,

(a) standing room of at least two feet between the side of the car and the side of the road, or

(b) man-holes or places of refuge at intervals of not more than seventy-five feet.

(3) In an underground mine each level, entry or tunnel on which persons normally travel, if the haulage therein operates by gravity, mechanical power or rope haulage, there shall be man-holes or places of refuge at intervals of not more than sixty feet but if the speed of haulage does not exceed five miles per hour and there is standing room of at least two feet between the side of the car or locomotive and the side of the road, such man-holes are not required.

(4) Where, in the opinion of the Director, the man-holes or places of refuge required by this section are not sufficient, the Director

(a) may order the owner, agent or manager of the mine to make such provisions for the safety of persons travelling on the road as the Director deems necessary, or

(b) may require the provision of a separate travelling road. [1955, c. 35, s. 157]

Specifica-
tions of
man-holes

158. Each man-hole or place of refuge

(a) shall be approximately three feet wide, four feet deep and at least five feet high,

(b) shall be constantly kept clear,

(c) shall be whitewashed or otherwise made of a colour distinct from that of the surrounding walls, and

(d) if at a landing, shall be sufficient to give protection to any landing tender from a car running back.

[1955, c. 35, s. 158]

Obstruction
of man-hole

159. No person shall place anything in a man-hole or place of refuge that may obstruct access thereto.

[1955, c. 35, s. 159]

Conveyor
roads

160. The provisions hereinbefore contained regarding man-holes or places of refuge do not apply to conveyor roads. [1955, c. 35, s. 160]

Hoisting Apparatus

161. (1) Hoisting apparatus used for raising and lowering persons and worked by mechanical power Hoisting apparatus

- (a) shall be designed, constructed and maintained to operate with ease, regularity and safety with the power provided, and
- (b) shall be firmly connected to a rigid foundation to prevent any material movement as a whole.

(2) Hoisting apparatus worked by other than mechanical power shall be

- (a) designed, constructed and maintained efficiently, and
- (b) provided with a locking device or brake that can hold the load at any point in the shaft.

[1955, c. 35, s. 161]

162. (1) Each hoist used to raise and lower persons shall be completely separated by a substantial partition from every other engine for other purposes unless the district inspector, in writing, otherwise provides. Hoist shall be partitioned

(2) On each hoisting engine used to raise or lower persons Equipment of hoisting engine

- (a) there shall be on the drum
 - (i) a good and sufficient brake that can be operated by the engineer without his leaving his post at the levers, and
 - (ii) flanges that extend at least four inches beyond the outer layer of rope when the rope is wound on the drum, but this does not apply in the case of cylindric-conical drums,
- (b) there shall be hoisting ropes that are well secured on the drum and have at least three laps of rope remaining when fully extended, and that at the other end are securely fastened to the cage by capping, clamps, chains or other approved means, and
- (c) there shall be an index dial or indicator that shows the engineer plainly at all times the true position of the cages in the shaft.

[1955, c. 35, s. 162]

163. (1) No single link chain shall be used for raising or lowering persons. Chains used in hoisting

(2) Notwithstanding subsection (1), a short coupling chain may be attached to the cage or load and used with safety chains or ropes that are sufficient to take the load in case of failure of the coupling chain.

(3) All cage chains shall be annealed at least once every six months and the dates of annealings recorded in a book kept for that purpose. [1955, c. 35, s. 163]

164. (1) The manager shall in writing appoint a person to superintend the capping and recapping of hoisting ropes that are used for lowering and raising persons. Capping hoisting ropes

(2) The manager shall satisfy himself of the ability of the appointed person to perform such duties.

(3) No rivetted capping shall be used.

(4) The person appointed by the manager for the purpose shall examine each rope once every three months by cutting at least five feet from the lower end of the rope and having the portion cut off examined carefully, internally and externally, for crystalization, corrosion or breaks.

(5) Notwithstanding subsection (4) the time for an examination under subsection (4)

(a) is extended to six months where cylindric-conical drums are used and the safety factor of the rope when new was not less than eight, and

(b) may be extended in any case by the district inspector having consideration for the times of busy and slack operations at the mine.

(6) Where white metal is used in capping ropes the untwisted wires shall be thoroughly cleaned and the socket shall be heated or warmed before the metal is poured into it.

[1955, c. 35, s. 164]

Spliced
hoisting
rope

165. A hoisting rope that has been spliced shall not be used for raising or lowering persons.

[1955, c. 35, s. 165]

Replacing
hoisting rope

166. If a hoisting rope shows signs of excessive wear or weakness it shall be replaced before men are lowered or raised.

[1955, c. 35, s. 166]

No person
shall guide
rope on to
moving
drum

167. No person shall guide a rope on to a drum, sheave, pulley, wheel or sprocket while the drum, sheave, pulley, wheel or sprocket is in motion, except during installation of rope.

[1955, c. 35, s. 167]

Shaft Sinking

Shaft
sinking

168. (1) Shaft sinking operations in an underground mine shall be under the full control of a shift boss.

(2) The shift boss shall be the holder of a first class, second class or third class certificate and shall be under the control of the manager or overman.

Duties of
shift boss in
sinking shaft

(3) The shift boss

(a) shall, at least once in every shift, and more frequently if necessary, inspect the shaft, remove loose stones and, if anything is unsafe, stop sinking until it is made secure,

(b) shall, upon inspection, enter and sign a report on the condition of the shaft in a book which shall be provided for the purpose,

- (c) shall descend in the first bucket and ascend in the last bucket in the shift,
- (d) shall supervise the firing of each shot and ensure that it is fired by a battery at the surface and that the battery is not coupled until every person is out of the shaft,
- (e) shall descend and inspect the shaft with one other person after each cessation of work and satisfy himself as to safety before allowing others to descend,
- (f) where the inspection is made after the firing of a shot and inflammable gas may be present, shall make the inspection with a locked safety lamp,
- (g) where such inspection is made after an intermission of four hours, shall lower a safety lamp before entering the shaft himself, and
- (h) shall ensure
 - (i) that the bucket at the bottom of the shaft is so filled that its contents are below the level of the top of the bucket,
 - (ii) that nothing sticks to the bottom of the bucket and that nothing can fall from it,
 - (iii) that the bucket is in line with the rope and properly steadied before being raised, and
 - (iv) that during walling or bricking, no scaffold is overloaded and that no shaft beneath a scaffold is improperly ventilated.

[1955, c. 35, s. 168]

169. When a shaft is being sunk at an underground mine, the banksman

Duties of
banksman in
sinking shaft

- (a) shall remain at the top of the shaft while men are descending or ascending, and
- (b) shall ensure
 - (i) that the bucket is filled so that all small material is below the level of the top of the bucket,
 - (ii) that nothing sticks to the bottom of the bucket and that nothing can fall from it,
 - (iii) that nothing is placed in a bucket while it is hanging over an uncovered shaft,
 - (iv) that a bucket about to be lowered is lifted from its place of rest and steadied over and into the shaft,
 - (v) that any cover for the shaft is secured by a catch when not being moved on or off the shaft,
 - (vi) that a landing wagon or other cover is not left so as to impede ventilation, and
 - (vii) that a shaft is not left unfenced.

[1955, c. 35, s. 169]

Duties of
hoistman in
sinking
shaft

170. When a shaft is being sunk at an underground mine, the hoistman

- (a) shall stop at a point eighteen to twenty feet above the bottom of the shaft or place where it is to light, a bucket that is being lowered, and having stopped the bucket, await the signal of the shift boss to let it down, and
- (b) shall stop at a point not more than five feet from the bottom, a bucket that is being raised and having stopped the bucket, await the signal of the banksman or shift boss to resume raising it.

[1955, c. 35, s. 170]

Explosives
in sinking
shaft

171. Explosives shall not be taken into or kept in a sinking shaft until immediately before they are required to be used.

[1955, c. 35, s. 171]

Safety lamp
in sinking
shaft

172. When directed by the manager or overman, no lamp but a locked safety lamp may be used in a sinking shaft.

[1955, c. 35, s. 172]

Persons
hoisted in
sinking
shaft

173. (1) When descending or ascending by bucket in a sinking shaft, each person shall keep within the bucket.

(2) No person shall descend or ascend on a loaded bucket.

[1955, c. 35, s. 173]

Shafts for Hoisting

Fencing
shafts

174. (1) The top of each shaft that is out of use or used only as an air shaft shall be securely fenced.

(2) The top and all entrances between the top and bottom of each working, ventilating or pumping shaft shall be properly fenced but the fence may be removed for repairs or other operations if proper precautions are used in the meantime.

(3) Each entrance to a place that is below ground and not in use or in the course of working and extension shall be properly fenced to prevent the entrance of persons and the fence shall be marked with the reason of danger.

[1955, c. 35, s. 174]

Hoisting
apparatus
at outlet

175. (1) Proper apparatus for lowering or raising persons and for ingress or egress shall be kept at each outlet where necessary.

(2) Such apparatus is not necessary at an outlet through which persons can walk or at a shaft that is less than two hundred feet in depth and equipped with a proper ladder-way or stairway.

[1955, c. 35, s. 175]

Casing of
shaft

176. In a shaft of which one portion is used for lowering or raising persons and another is used for lowering or rais-

ing material, no person shall travel while the latter portion is in operation unless the portion for persons is either cased or securely fenced. [1955, c. 35, s. 176]

177. Where the natural strata is not safe, each working, pumping or escapement shaft shall be cased, lined or otherwise made secure. [1955, c. 35, s. 177] Securing escapement shaft

178. A ladder used permanently in an escapement shaft shall be at an angle of not more than forty-five degrees and shall be provided with hand rails and with platforms or landings at each turn. [1955, c. 35, s. 178] Ladder in escapement shaft

179. Where a mine that is operated by power from a source not under the sole control of the owner has two shafts of more than two hundred feet in depth, apparatus for lowering and raising persons and run by an independent source of power shall be kept constantly available for use at one of the shafts. [1955, c. 35, s. 179] Stand-by power in shaft

180. (1) In an underground mine, each shaft over fifty feet in depth and in which men are lowered or raised shall be equipped with a cage or cages fitted to guides running the length of the shaft. Cages

(2) Each cage shall be provided with

(a) catches or some other device to prevent the cars falling out, and

(b) safety catches or dogs to prevent the cage from falling in the event of the rope breaking.

(3) Each cage used for lowering or raising persons shall be covered in completely at the top and closed at the sides to prevent anything projecting and shall be provided with suitable gates, bars or chains, and hand hold rods easily reached by any person in the cage. [1955, c. 35, s. 180]

181. Each shaft shall be provided at top and intermediate landings with safety gates approved by the district inspector. [1955, c. 35, s. 181] Safety gates in shaft

182. (1) In each shaft over three hundred feet in depth where persons are lowered or raised at speeds over four hundred and fifty feet per minute, detaching hooks or overwinding devices shall be provided unless the Director in writing otherwise provides. Detaching hooks and overwinding devices

(2) No car, materials of any kind, or tools and implements other than scientific instruments shall be lowered or raised while persons are being lowered or raised in the same shaft. [1955, c. 35, s. 182]

183. The manager shall cause to be posted at the top and bottom of each shaft a notice of the maximum number of men allowed to ride in each cage as approved by the district inspector. [1955, c. 35, s. 183] Notice of capacity of cage

Work at
bottom of
shaft

184. In a shaft of an underground mine

- (a) no person shall attempt to go on or across the uncovered space of the shaft bottom except to work there, and
- (b) no person shall be allowed to work at the bottom of the shaft unless the cages are stopped.

[1955, c. 35, s. 184]

Slopes

Work in
haulage
slope

185. While normal haulage is in operation no work shall be done at a place on a slope in which haulage is worked by gravity or mechanical power unless

- (a) the place is above the points where cars are being moved, or
- (b) ample protection is provided to safeguard against runaway or derailed cars.

[1955, c. 35, s. 185]

Walking
in haulage
slope

186. While normal haulage is in progress no person shall walk up or down a hoisting slope without the permission of the manager, overman or other proper official.

[1955, c. 35, s. 186]

Conveyor Roads and Longwall Faces

Conveyor
road

187. (1) The main conveyor roads shall be at least four feet high and shall have a clear space of at least two feet between the conveyor and one side of the road.

(2) Persons shall travel only in the clear space on the road.

(3) No person shall travel in a moving conveyor unless he has the consent in writing of the district inspector and complies with such terms and conditions as the district inspector may prescribe.

[1955, c. 35, s. 187]

Longwall
face

188. (1) On each longwall face an escape or other road shall be provided at intervals of four hundred and fifty feet or such lesser distance as may be ordered by the district inspector.

(2) The escape road shall be at least four feet wide and four feet high to within twenty feet of the face where it may be the height of the seam.

[1955, c. 35, s. 188]

Duties of
person in
charge of
haulage
road

189. A person in charge of a haulage road or incline, or cars or machinery thereon, shall

- (a) pay strict attention to signals and to any deviation from regular course of the cars or machinery,
- (b) if anything is defective, stop the cars and machinery until the defect is repaired or remedied, and
- (c) report any danger, weakness or defect he may find to the manager, overman or person under whom he works.

[1955, c. 35, s. 189]

190. The person who couples a car to another car shall ensure Duties of person coupling cars

(a) that couplings are secure, in good order and not twisted, and

(b) that no cars are coupled while in motion.

[1955, c. 35, s. 190]

191. (1) Stop-blocks or some other appliance to prevent cars from going down shall be used at the top of all self-acting inclines, slopes or shafts. Stop-blocks at inclines

(2) Where the manager or overman requires that a drag or other appliance be used, the person in charge of it shall in all cases attach the drag or appliance to the cars before hoisting begins. Drag

[1955, c. 35, s. 191]

192. (1) On all haulage roads adequate clearance shall be maintained between the cars and the sides of the roads, and between the top of the car or its contents and the roof. Clearance on haulage roads

(2) Each haulage or horse road shall be kept as clear as possible of obstructions and no one shall place rails, pipes, props or other materials on one side of the road unless the opposite side is kept clear of all obstructions.

(3) Each road used by an animal shall be of sufficient dimensions to permit the animal when harnessed to pass without rubbing.

[1955, c. 35, s. 192]

Mantrips

193. Subject to the written approval of the Director and to such conditions as he may prescribe, mantrips may be run to convey workmen to or from their work. Mantrips

[1955, c. 35, s. 193]

194. (1) On slopes, of twenty degrees inclination or more, on which regular mantrips are being hoisted, Coupling of cars on mantrips

(a) each car shall be attached to the one ahead by two or more separate couplings, each of which can hold the load placed upon it by the breaking of the other coupling, and

(b) the first car shall be secured

(i) to the rope socket or capping, and

(ii) by one or more extra cables or chains attached to the rope above the socket or capping.

(2) On slopes, of less than twenty degrees inclination, on which regular mantrips are being hoisted, each mantrip shall be as prescribed in subsection (1), or

(a) coupled up in the ordinary manner, and

(b) provided with

(i) a safety rope that extends from the main rope to the last car, or

(ii) another approved safety device to serve the same purpose.

(3) On slopes of fifteen degrees inclination or less mantrips or other trips shall be provided with a drag to prevent cars running back.

[1955, c. 35, s. 194]

Moving
mantrip

195. (1) No person shall entrain or detrain from a mantrip while it is in motion.

(2) No tools, explosives or gear shall be carried on a car upon which persons ride.

(3) No person shall ride on a car or locomotive in, on, or about a mine unless he has first obtained the permission in writing of the manager, overman or other proper official.
[1955, c. 35, s. 195]

Cars, Track and Turn-Tables

Construc-
tion of mine
cars

196. Cars used in a mine shall be constructed and maintained so that

(a) the bumpers separate the cars by not less than twelve inches when the cars stand on a straight level road with bumpers touching, and

(b) the escape of dangerous coal dust through the sides, ends and floors of each car is prevented as far as possible.
[1955, c. 35, s. 196]

Handling
cars

197. Each person handling cars shall

(a) use great care to avoid injury, and

(b) use sufficient sprags while running and drawing cars to prevent the cars from getting beyond control.
[1955, c. 35, s. 197]

Wooden
track

198. No wooden track or wooden turn-table shall be used in a mine.
[1955, c. 35, s. 198]

Locomotives

Locomotive

199. (1) Haulage by electric locomotive or diesel locomotive may be used in a mine only with the permission in writing of the Director.

(2) An application to the Director for permission to install and operate a locomotive shall be made in writing and shall state

(a) the type and construction of the locomotive,

(b) the districts or sections in the mine in which the locomotive will be operated,

(c) the maximum gradient of each haulage road,

(d) in the case of a diesel locomotive, the quantity of air passing and the percentage of inflammable gas present in the general body of the air, determined with an approved gas testing device, other than a flame-type safety lamp,

(i) at each end of a road on which the locomotive is to be used, and

(ii) at each intermediate point where air from a split enters the road, except that part of a main intake airway commencing at a shaft or surface outlet that is not within three hundred yards of a face,

on each shift during a period of not less than six consecutive working days closely preceding the application, and

- (e) such further information as may be required by the Director in considering the application.
- (3) The Director, upon considering the application,
 - (a) may in writing grant permission to operate a locomotive on any roadway either on the intake or return of any ventilating district specified in the application, upon such terms and conditions and subject to such special rules as he may prescribe, or
 - (b) may refuse the application.

(4) The Director, in his discretion and at any time may by notice in writing cancel any permission granted pursuant to this section or may vary the terms, conditions and special rules prescribed. [1955, c. 35, s. 199]

200. (1) The track upon which a locomotive is operated in a mine shall have adequate strength and rigidity and shall be laid properly and maintained so that the locomotive and its complement of load will be supported with maximum safety at all times. Locomotive track

(2) Each curve shall be of such radius as is safe and where necessary

- (a) the outer rail shall be raised, or
- (b) a guard rail shall be provided.

(3) The clearance on each operated road shall be adequate to prevent the restriction of air currents and to prevent accidents. [1955, c. 35, s. 200]

201. (1) Each locomotive used shall be of a type and construction approved by the Director, and all parts of the locomotive and its accessories shall be maintained properly in their designed condition. Locomotive of approved type

(2) A diesel locomotive shall be fitted with flame-proof traps to prevent emission of sparks, flames, smoke and noxious or toxic gases.

(3) A locomotive shall be provided with a whistle or alarm, which shall be sounded when any person is ahead and when the locomotive is approaching or working near partings, switches, curves, doors and landings.

[1955, c. 35, s. 201]

202. (1) The braking system of each locomotive shall be maintained in good working order. Locomotive brakes

(2) The braking system shall be examined and tested thoroughly by a capable person who shall be appointed for the purpose by the manager, in writing,

- (a) at least once in every week, and
- (b) after repairs or adjustments have been made.

(3) The test shall include

- (a) an application of the brakes when the locomotive is moving, and
- (b) a continuous application of the air-brakes for a period of at least ten minutes with the engine stopped. [1955, c. 35, s. 202]

Examination
of diesel
locomotive

203. (1) At least once in every day that a diesel locomotive is used

- (a) it shall be examined by a capable person who shall be appointed for the purpose by the manager in writing, and
- (b) the flame-proof trap fitted to the exhaust opening of the engine shall be detached and replaced by a flame-proof trap in a clean condition and where necessary the replacement shall be oftener.

(2) At least once in every week that a diesel locomotive is used

- (a) it shall be examined by a capable mechanic who shall be appointed for that purpose by the manager in writing, and
- (b) the mechanic shall ensure that the locomotive is in proper working order and that the flame-proof trap fitted to the inlet opening is kept clean.

[1955, c. 35, s. 203]

Report of
examination

204. A report of each examination or test required by sections 202 and 203 shall be entered and signed by the person making the examination or test in a book which shall be kept at the mine for that purpose.

[1955, c. 35, s. 204]

Defect

205. A locomotive shall not be used if it has a defect that is liable to affect its safe operation.

[1955, c. 35, s. 205]

Driver

206. The driver of a locomotive shall be trained thoroughly in the operation of the unit.

[1955, c. 35, s. 206]

Locomotive
operating
rules

207. (1) The manager shall determine

- (a) the maximum load to be hauled by each locomotive,
- (b) the maximum speed of trains on each road, and
- (c) all such other matters as are necessary to ensure the safe running of trains.

(2) Wherever special precautions are necessary to ensure safe operations, the manager shall cause to be posted in the roadway a notice approved by the district inspector and setting out the matters determined under subsection (1).

[1955, c. 35, s. 207]

Overloading

208. A locomotive shall not be overloaded under any circumstances.

[1955, c. 35, s. 208]

209. Where a diesel locomotive is used

Exhaust
gases

- (a) the engine shall not be kept running while the locomotive is stationary unless there is a sufficient amount of ventilation passing to dilute, render harmless and remove exhaust gases, and
- (b) at least once each month a sample of exhaust gas shall be taken from the locomotive and tested for carbon monoxide, and the locomotive shall be deemed to be defective if the undiluted exhaust gas contains more than two parts per thousand of carbon monoxide.

[1955, c. 35, s. 209]

210. A locomotive shall not be operated in a mine at a speed that is not safe.

Speed of
locomotive

[1955, c. 35, s. 210]

211. On main and tail rope haulages a conspicuous red light or reflector shall be shown on the front and rear of each train of cars.

Lights
on trains

[1955, c. 35, s. 211]

212. When a locomotive in a mine is not in use it shall be housed in a suitable housing station approved by the district inspector and the electrical inspector.

Housing
locomotive

[1955, c. 35, s. 212]

Trucks

213. (1) All truck roads shall be

Truck roads

- (a) maintained in good condition, and
- (b) adequate in width to provide clearance for safe passing of vehicles at passing points.

(2) Where a rear dumping truck discharges its load at a place that is not on level ground, a substantial bumping block or other means shall be provided to prevent the truck backing too far.

[1955, c. 35, s. 213]

214. Truck drivers shall maintain a safe distance between trucks on roads.

Distance
between
trucks

[1955, c. 35, s. 214]

215. (1) In a strip mine where conditions prevent the exchange of signals between a truck driver and the operator of a shovel or dragline, a flagman shall be on duty to give signals.

Signals in
strip mines

(2) During mechanical loading operations no person shall remain in the cab of a truck unless it is protected by a substantial covering.

[1955, c. 35, s. 215]

PART X

WORKING FACES

Timbering

216. (1) The manager of an underground mine shall prescribe, by notice posted at or near the entrance of the mine,

Timbering

- (a) the interval at which props, booms or cogs are to be set, and
- (b) the manner in which the props, booms or cogs are to be set.

(2) Where the district inspector considers the system of supporting the roof and sides adopted in a mine unsatisfactory, he may order the manager to fix a lesser distance between props, booms or cogs or otherwise modify the system.

(3) The order of the district inspector shall be in writing and shall be delivered personally or by registered mail to the manager.

(4) If the manager objects to the reasonableness of the order of the district inspector, he may within ten days after receiving such order send his objection in writing to the Director stating the grounds thereof.

(5) If the manager so objects the matter shall be settled by arbitration.

(6) The manager shall

- (a) if he does not object, comply with the order of the district inspector, or
- (b) if he does object, comply with the decision made upon arbitration. [1955, c. 35, s. 216]

Roof and
sides

217. (1) In an underground mine, the roof and sides of each travelling road or working place shall be made secure.

(2) No person shall travel or work in a travelling road or working place that is not secure, unless he has been appointed for the purpose of, and is, exploring or repairing.

Timber
kept at
working
place

(3) A sufficient supply of suitable timber shall be kept

- (a) in each working place, or
- (b) as near as practicable to each working face and no further away than the nearest cross-cut or other convenient place in the vicinity thereof.

[1955, c. 35, s. 217]

Removal
of props

218. (1) Where work in an underground mine necessitates the removal of roof supports, temporary props or other supports shall be set so as to secure the safety of the persons employed.

(2) No props shall be withdrawn until the place is examined by an examiner or overman.

(3) A safety contrivance shall be used where

- (a) props are withdrawn from the gob, or
- (b) props are withdrawn under a roof that appears to the examiner or overman to be insecure.

(4) During the operation of undercutting coal, the working face shall be safely supported. [1955, c. 35, s. 218]

219. A person working at the face shall

Worker at
face shall
set timber

- (a) when he feels that it is necessary for safety, set timbers at a closer interval than required by the system in the mine, or
- (b) if he finds that he has not sufficient timber or other material to make the place safe, withdraw immediately and report it to the manager, overman or examiner.

[1955, c. 35, s. 219]

220. The person in charge of a place in an underground mine shall ensure that work is done there according to the direction of the manager, overman or examiner.

Duty of
person in
charge of
place

[1955, c. 35, s. 220]

Strip Mines

221. (1) In a strip mine the sides shall be maintained at a safe angle to prevent danger to persons employed.

Sides of
strip mine

(2) The persons employed shall be alert for slides or falling material.

(3) Doubtful or overhanging pieces shall be barred down or otherwise made safe.

(4) The excavated overburden that is not back filled shall be removed a sufficient distance from the sides to prevent undue pressure on the sides and to prevent material from falling back into the pit.

(5) Exits shall be provided on the sides at suitable intervals for the safety and convenience of employed persons whose duties require them to enter and leave the pit.

Runways

[1955, c. 35, s. 221]

222. (1) In a strip mine, shovels, draglines and tractors shall be provided with efficient warning devices, and when used during darkness, shall be equipped with efficient headlights.

Warning
devices in
draglines,
etc.

(2) No person shall get off or on a dragline or other powered equipment while it is in motion without first notifying the operator.

(3) Except in the line of duty or with the permission of the manager or foreman, no person shall enter the area in which powered equipment is operating. [1955, c. 35, s. 222]

223. In a strip mine, the foreman shall

Inspection
and report
of foreman

- (a) inspect all stripping and loading equipment daily,
- (b) ensure that such equipment is kept in safe operating condition, and
- (c) enter a report of each inspection in a book which shall be kept at the mine for that purpose.

[1955, c. 35, s. 223]

Drills

Use of
mechanical
drills

224. (1) A drill operated by mechanical power shall not be used for drilling in rock or stone, unless

- (a) water is fed into the bottom of the hole,
- (b) a jet or spray of water is directed into or about the hole, or
- (c) other means approved by the district inspector are used to prevent the issuance of dust from the hole during drilling.

(2) Where the drilling in stone or rock is intermittent and is in conjunction with coal-getting operations at a working place, the Director may in writing grant an exemption in whole or in part from the provisions of subsection (1). [1955, c. 35, s. 224]

Miscellaneous

Duties of
person in
charge of
place

225. A person in charge of a working place shall

- (a) before commencing work, satisfy himself that the working place is in a safe condition,
- (b) inspect the working place carefully at frequent intervals during his shift,
- (c) set sufficient timber to support the roof and sides of the working place, and remove or renew the timber when necessary and take down all dangerous or doubtful pieces of loose material, and
- (d) if he finds it impossible to make the working place safe,
 - (i) fence it off,
 - (ii) report it to the manager, overman or examiner, and
 - (iii) remain at the working place until it is made safe or fenced off. [1955, c. 35, s. 225]

No person
shall work
beyond
hearing

226. No person shall be employed at a working face at such distance from the nearest other employee that his cries cannot be heard, unless he is in communication with another employee at least once every two hours.

[1955, c. 35, s. 226]

PART XI

EXPLOSIVES

Explosives and Shot-firing Devices

Weight of
explosive

227. (1) Where a provision of this Part prescribes a maximum weight of explosives, the weight of the explosives shall be

- (a) the weight shown by the manufacturer on the cartridge containing the explosive, or
- (b) if no such weight is shown, the net weight of the explosive contained in the cartridge.

(2) In this Part, "permitted explosive" means an explosive named and defined in an order of the Director made under section 228. "permitted explosive"
[1955, c. 35, s. 227]

228. (1) The Director by order shall name and define what explosives may be used in an underground mine. Permitted explosives

(2) An order of the Director under this section may prescribe the manner in which the explosives named are to be packaged and used.
[1955, c. 35, s. 228]

229. (1) All shot-firing devices shall operate electrically. Shot-firing devices

(2) The Director may by order prescribe what shot-firing devices may be used in mines or in any type of mines.

(3) Where the Director, by an order under this section, has named the permitted shot-firing devices for a type of mine, no other shot-firing devices shall be used in such a mine.
[1955, c. 35, s. 229]

230. (1) Where the Director has defined the composition, quality or character of a permitted explosive, an explosive different in composition, quality or character from the definition of the Director by reason of deterioration or otherwise, is not the explosive named and defined. Prescribed composition of explosives

(2) The owner, agent or manager is not responsible for the composition, quality or character of an explosive if he shows that

- (a) he has, in good faith, obtained a written certificate from the maker of the explosive that it complies with the definition of the Director, and
- (b) he has taken reasonable means to prevent deterioration of the explosive while stored.

[1955, c. 35, s. 230]

Storage

231. No explosives shall be stored or kept in an office, washhouse, lamp house, bunk house or building frequented by a person or workman. Storage of explosives
[1955, c. 35, s. 231]

232. (1) Magazines shall be used to store explosives that Idem

- (a) have not been issued for use, and
- (b) have not been used and are returned for storage.

(2) Magazines shall be

- (a) constructed of incombustible material or covered with fire-resistant material,

- (b) bullet-proof,
- (c) located
 - (i) at least two hundred feet from any mine opening or vital structure, and
 - (ii) a safe distance from waste dumps,
- (d) provided with
 - (i) suitable danger signs nearby,
 - (ii) proper ventilators effectively screened, and
 - (iii) proper doors kept securely locked when not being used,
 and
- (e) located on a suitably drained area.

[1955, c. 35, s. 232]

Building for
distribution
of explosives

233. A building used only for the daily distribution of explosives shall be

- (a) located not less than one hundred and fifty feet from any mine opening or essential structure, and
- (b) of a construction approved by the district inspector.

[1955, s. 35, s. 233]

Magazine for
detonators

234. Detonators shall be stored in a separate magazine, which shall be

- (a) constructed of incombustible material or covered with fire-resistant material, and
- (b) located at least one hundred feet from any magazine containing explosives or any other essential structure.

[1955, c. 35, s. 234]

Storage of
explosives
in mine
prohibited

235. No explosives shall be stored underground in an underground mine, or in the pit of a strip mine.

[1955, c. 35, s. 235]

Transportation in Mine

Distribution
of explosives

236. (1) The owner, agent or manager shall make proper arrangements for the safe transportation and distribution of explosives in the mine.

(2) No person shall carry any explosives on a cage while men are being hoisted or lowered in a shaft or on a mantrip on any slope, level or incline.

[1955, c. 35, s. 236]

Explosives
on electric
train

237. No explosives shall be carried on an electric locomotive or on a conveyance moved by an electric locomotive unless it is done with the prior permission in writing of the Director and in compliance with any conditions he may prescribe.

[1955, c. 35, s. 237]

Canister for
explosive
cartridges

238. (1) Except in the case of Cardox shells, explosives shall be taken underground only in cartridges held in a secure case or canister containing only a sufficient quantity of explosives for a working shift in one place.

(2) The case or canister shall be kept closed until immediately before the charging of the shot-hole, and shall be closed immediately after.

(3) No person shall have in his possession at one time more than one case or canister.

(4) If by reason of two or more persons working together, more than one case or canister is in a working place, such cases or canisters shall be kept as far apart as possible.

(5) One or more persons working on a longwall face, or other place where mechanical loading and cutting are carried on, may take into the place a sufficient amount of explosives, not in excess of five pounds for each twenty-five feet in length of the longwall face or place.

Explosives
at longwall
face

[1955, c. 35, s. 238]

239. (1) In an underground mine where the Cardox method of breaking down coal is used, the manager may

Distribution
of Cardox
shells

(a) authorize the workmen to take into their working places a sufficient supply of primed shells for one day, or

(b) in writing appoint persons to supervise the transport of primed shells from the charging station to the places where they are required below ground.

(2) Adequate means shall be taken to prevent shells falling from cars or from other means of transportation.

[1955, c. 35, s. 239]

240. In a strip mine, vehicles used in the transportation of explosives or detonators shall be

Explosives
vehicle in
strip mine

(a) constructed substantially and maintained in good working order, and

(b) marked with a visible sign reading "DANGER—EXPLOSIVES".

[1955, c. 35, s. 240]

241. The driver of an explosives vehicle in a strip mine shall

Duties of
driver of
explosives
vehicle

(a) exercise great precaution,

(b) transport only properly packaged explosives, and

(c) prevent unauthorized persons from riding on a vehicle transporting the explosives.

[1955, c. 35, s. 241]

242. (1) In a strip mine sufficient explosives and detonators in separate operation storage boxes may be taken into the pit to provide a thirty-six hour supply.

Storage
boxes in
strip mine

(2) The operation storage boxes shall be

(a) locked at all times when not in use,

(b) placed at least two hundred feet from blasting or any operating unit and twenty-five feet from any track, roadway, travelway or power cable, and

(c) marked with a visible sign reading "DANGER—EXPLOSIVES".

[1955, c. 35, s. 242]

Breaking Coal Underground

Use of black powder

243. No black powder shall be taken or used underground unless it is compressed and made up in stick form.
[1955, c. 35, s. 243]

Thawing explosives

244. (1) No explosives shall be thawed underground.
(2) When it is necessary to thaw an explosive, the owner shall provide proper thawing apparatus on the surface.
[1955, c. 35, s. 244]

Shot-firing in dangerous atmosphere

245. No shot shall be fired in the presence of
(a) a dangerous percentage of coal dust, or
(b) an atmosphere containing one and one-half per cent of fire-damp or more.
[1955, c. 35, s. 245]

Preparation of face

246. (1) No coal face shall be deemed to be prepared for shot-firing unless it is sufficiently cut or sheared or has an open-end across the whole width that the shot is intended to dislodge.

Location of shot-holes

(2) In an underground mine no shot-hole shall be drilled at a distance of less than six inches from the solid or of less than twelve inches from a hole where a misfired charge is situated.
[1955, c. 35, s. 246]

Charging of shot-holes

247. (1) In an underground mine each charge of explosive shall be placed in a properly drilled shot-hole.

(2) No explosive shall be forcibly pressed into a hole of insufficient size.

(3) Before charging a shot-hole the shot-firer shall examine the hole to ensure that the shot is properly placed and the bore hole well cleaned.
[1955, c. 35, s. 247]

Tamping

248. (1) In short holes the tamping shall be to the collar and in other holes shall be not less than thirty inches.

Material for stemming

(2) The owner of the mine shall provide and cause to be kept at each working place, or as near thereto as practicable, a sufficient supply of clay or other non-inflammable substance or material for stemming.

(3) No other material shall be used for stemming.

(4) While charging or stemming no person shall use or have in his possession any iron or steel to be used as a pricker, charger, tamping rod, scraper or stemmer.

(5) When a hole has been charged the explosive shall not be unstemmed or unrammed except when the shot-firer can wash out the stemming under water pressure.
[1955, c. 35, s. 248]

Uniform explosive in shot

249. Only one class, grade or quality of explosive shall be used in any one shot.
[1955, c. 35, s. 249]

250. (1) Not more than one shot shall be tamped or fired in coal at a working place in an underground mine, unless the firing of one shot is not dependent on the firing of another. Dependent shots

(2) Notwithstanding subsection (1), the district inspector upon application in writing may when the inclination of the seam exceeds twenty degrees, grant permission in writing to tamp more than one hole before firing. Simultaneous shots

[1955, c. 35, s. 250]

251. A cable used in shot-firing shall be Shot-firing cable

- (a) at least sixty feet in length,
- (b) broken and short-circuited and kept short-circuited at the battery end until ready to attach to the blasting unit,
- (c) staggered as to length at the detonator end to prevent short-circuiting, and
- (d) kept away from any track, power wire, pipe line and other possible source of active or stray currents.

[1955, c. 35, s. 251]

252. The shot-firer shall Duties of shot-firer

- (a) examine the character of the explosive and regulate the quantity of the explosive to be used in the hole,
- (b) supervise the loading, and
- (c) before firing a shot
 - (i) examine all places within a radius of sixty feet,
 - (ii) ensure that all persons in that place or adjoining places are out of reach of danger from the effect of the shot,
 - (iii) take such precautions as may be necessary to prevent any person inadvertently approaching until the shot is fired,
 - (iv) refrain from firing a shot if gas is detected in such quantities as to make it unsafe,
 - (v) refrain from firing a shot until it is otherwise safe to do so,
 - (vi) ensure that the cables are coupled to the detonator and firing apparatus only by him, and
 - (vii) take refuge in a man-hole or other safe place or be at least sixty feet away from the place where the shot is fired.

[1955, c. 35, s. 252]

253. No person other than a shot-firer authorized by the manager or overman shall fire a shot. Shot-firer shall fire shot [1955, c. 35, s. 253]

254. After a shot has been fired the shot-firer, as soon as practicable, shall Duties of shot-firer

- (a) inspect the place to determine if work can be safely resumed, and

- (b) take any steps that may be necessary to make the place safe before other work is done.

[1955, c. 35, s. 254]

Additional
duties of
shot-firer

255. When a shot has missed fire, the shot-firer shall

- (a) disconnect the battery before any person is permitted to enter the place where the shot has missed, and
(b) erect a warning board or fence across the whole width of the place before leaving the place unattended.

[1955, c. 35, s. 255]

Preparation
of dry,
dusty places

256. In an underground mine, no shot shall be fired in a place that is dry or dusty, unless

- (a) the place of firing and contiguous and accessible places within sixty feet have been thoroughly watered or given an equivalent treatment in all parts where dust is lodged on the roof, floor or sides, or
(b) where watering would injure the roof or floor, all dry or dusty roads within one hundred and twenty feet are treated to allay dust, and the explosive is
(i) used with water or other contrivance so as to prevent it from inflaming gas or dust, or
(ii) is of such nature that it cannot inflame gas or dust.

[1955, c. 35, s. 256]

Delay-action
fuses

257. No delay-action fuses shall be used underground for firing shots in coal.

[1955, c. 35, s. 257]

Records
kept by
shot-firer

258. In books which shall be kept at the mine for the purpose the shot-firer shall make a record of

- (a) the amount of detonators taken into the mine and the amount returned at the end of his shift,
(b) the amount of explosives and detonators used in each working place during a shift, and
(c) each shot that has missed fire.

[1955, c. 35, s. 258]

Manager
shall set
maximum
shots

259. (1) The manager shall set the maximum number of shots that may be fired by each examiner or shot-firer.

(2) A report of the order of the manager made under subsection (1) shall be forwarded to the district inspector for his approval.

[1955, c. 35, s. 259]

Cardox

Cardox
method

260. (1) Notwithstanding the other provisions of this Part, the Director may grant permission in writing for the breaking down of coal in an underground mine by the method known as "Cardox".

- (2) The use of the Cardox method shall be governed by
- (a) the terms and conditions prescribed by the Director,
 - (b) the conditions pertaining to its use issued by the manufacturers of the Cardox Process, and
 - (c) the provisions of section 261.
- (3) The conditions governing the use of the Cardox method shall be observed at all times by the examiner, shot-firer and other persons engaged in handling the Cardox shells. [1955, c. 35, s. 260]

261. (1) Cardox shells shall be placed in properly drilled and well placed holes. Use of
Cardox
shells

(2) No shot shall be fired unless all persons are at least one hundred feet from the Cardox shot and out of the direct line of the shot at the time of firing.

(3) The shell shall be fired with an electric battery by a holder of a first class, second class or third class certificate.

(4) If a Cardox shell misses fire, the person firing the shell Misfire by
Cardox shell

- (a) shall ensure that neither he nor any other person approaches the hole until an interval of at least ten minutes has elapsed,
- (b) shall, before leaving the place, fence off the place and attach a danger board indicating the presence of a misfired shell, and
- (c) shall, before anyone approaches the hole, disconnect the cable and removable handle from the battery and examine connections for defects.

(5) Where a shell misses fire, the examiner or shot-firer may after the expiration of at least ten minutes, extract the misfired shell from the hole.

(6) The examiner or shot-firer recovering the misfired shell shall

- (a) exercise care in recovering the shell, and
- (b) return the shell as soon as possible to the person responsible for the charging of it.

[1955, c. 35, s. 261]

Milli-second Delay-action Firing

262. (1) Notwithstanding the other provisions of this Part, the Director may grant permission in writing for the use of milli-second delay-action detonators in firing shots in coal and for the taking into the mine of sufficient approved explosives for that purpose. Milli-second
delay-action
detonators

(2) The manager shall submit a written application to the Director for permission to use milli-second delay-action detonators in the firing of shots in coal and the application Application
to use
milli-second
delay-action
detonators

- (a) shall show in detail
 - (i) the part of the mine in which the detonators will be used,
 - (ii) the direction and the amount of the ventilating current,
 - (iii) the percentage of inflammable gas contained in the part of the mine in which the detonators will be used, and
 - (iv) such further information as may be required by the Director in considering the application, and
- (b) shall give the tentative details regarding
 - (i) the dimensions of the coal faces and the nature of the seam,
 - (ii) the drilling pattern to be adopted, and
 - (iii) the amount and type of powder per shot-hole.

(3) The Director may in writing grant the permission applied for upon such terms or conditions as he may prescribe, or he may refuse the permission.

(4) The Director in his discretion and at any time may by notice in writing cancel any permission granted pursuant to this section, or may vary the terms and conditions prescribed.

(5) The multiple shot-firing device used with milli-second delay-action detonators shall be of a type approved for the purpose by the Director, and the number of detonators fired at one time shall not exceed the rated capacity of the machine.

(6) The conductors in the shot-firing cable shall be flexible, covered with rubber or equivalent insulation, of not less diameter than number 16 gauge, insulated up to three hundred volts, and at least one hundred feet in length.

(7) Every galvanometer and shot-firing device in use shall be tested daily by a method approved by the Director, and shall not be used unless found to be in proper working condition.

(8) The shot-firer shall be thoroughly trained in all phases of milli-second multiple blasting methods, and shall be a person who is accepted as competent in the use of such methods by the district inspector after an examination which shall include a practical examination under actual working conditions.

(9) Subject to subsection (5) of section 238, explosives used in milli-second multiple blasting shall be taken into the mine in secure cases or canisters containing not more than twenty-five pounds for each working place at which they are to be used.

(10) Galvanometer tests shall be made

- (a) to the round of shots at the face before the shot-firing cable is attached,

- (b) to the shot-firing cable on open-circuit for leakage before connecting to detonators,
 - (c) at the firing point immediately before firing, and
 - (d) at the face after a round is fired if there is any indication of a misfire.
- (11) A place where shots are to be fired shall be treated to allay dust in accordance with section 256, and the shot-firer shall test for inflammable and noxious gases
- (a) immediately before the holes are charged,
 - (b) immediately before the round is fired, and
 - (c) immediately after returning to the face following the firing of shots.
- (12) Gas detector readings shall be taken by an examiner with an approved detector, in addition to the flame-type safety lamp tests.
- (13) If a test or reading prescribed by subsection (11) or subsection (12) shows that there is a dangerous amount of inflammable gas or dust in the air, at the face or roadway leading thereto, no shot shall be fired.
- (14) All shots shall be connected in series.
- (15) At the time of firing every person shall take refuge in a place of safety at least one hundred feet from the shots.
- (16) No person shall return to the face after shots are fired until the expiration of a waiting period of at least four minutes from the time the shots are fired, and no person shall resume work unless it is found safe to do so.
- (17) The district inspector may in his discretion, increase the minimum waiting period prescribed in subsection (16). [1955, c. 35, s. 262]

Shot-firing in Rock

263. For driving a rock tunnel, or for shot-firing in coal at a time when the ordinary working of the underground mine is not being carried on, one or more persons may, with the consent in writing of the Director, take a sufficient amount of explosives into the mine in secure cases or canisters containing not more than twenty-five pounds in each case or canister. [1955, c. 35, s. 263]

Explosives
for rock
work

264. (1) Subject to the conditions hereinafter set out, the Director may in writing grant permission for the use of non-permitted explosives and of delay-action fuse detonators in driving rock tunnels or other rock work.

Application
for use of
non-
permitted
explosive

(2) The manager shall make application in writing to the Director for permission under subsection (1) and shall submit

- (a) a plan showing in detail
 - (i) the point at which the work is to commence and the distance, inclination and direction it is expected to drive,

- (ii) the direction and amount of ventilating current and any information with respect to auxiliary ventilation for the proposed work,
 - (iii) the location of all known adjacent seams of coal that it is expected to penetrate,
 - (iv) the dimensions of the rock work to be driven and the nature of strata to be penetrated, and
 - (v) such other information as may be required by the Director,
- and
- (b) a statement of the maximum number of shot-holes to be fired for the completion of a round of shots, and the maximum number to be fired at a time and the kind and amount of explosive to be used for each shot-hole.
- (3) In granting permission under this section, the Director may authorize the taking into a mine in secure cases or canisters containing not more than twenty-five pounds in each case or canister of a sufficient amount of non-permitted explosives for each shift in which the explosive is to be used.
- (4) The manager shall make provision for the safe distribution, transportation and daily return of any unused explosives to the place of storage on the surface.
- (5) Shots may be fired by a multiple shot-firing battery of the plunger type.
- (6) The shot-firing cable shall be at least three hundred feet in length.
- (7) Immediately before a shot is fired, the examiner shall take a gas detector reading with an approved detector, in addition to the flame-type safety lamp test.
- (8) If the examiner finds one-half of one per cent or more of methane in the air, at the face, or roadway leading to the face,
- (a) no shot shall be fired, and
 - (b) a report of the findings shall be made on the same day to the district inspector.
- (9) At the time of firing all persons shall take refuge out of the direct line of the shots and be at least three hundred feet from the shots.
- (10) Unless authorized in writing by the district inspector, no non-permitted explosive shall be used within twenty-five feet of a known coal seam.
- (11) After a coal seam has been penetrated the coal area shall be rock-dusted. [1955, c. 35, s. 264]

Strip Mines

Blasting in
strip mine

265. In a strip mine all work in connection with drilling and blasting operations shall be under the direct personal supervision of the blaster. [1955, c. 35, s. 265]

266. (1) In a strip mine all holes for blasting shall, before explosives are inserted therein be proved with, Proving
holes in
strip mine

- (a) for small holes, a tamping stick,
- (b) for well-drill holes, a dolly or tamping block, or
- (c) for visual inspection, a mirror or flashlight.

(2) Each hole shall be cleaned properly before a charge is placed therein and water standing in hole shall be bailed out, if possible.

(3) Drill holes that have been sprung and are not cooled, shall be allowed to stand for at least four hours before explosives are loaded.

(4) The blaster shall be satisfied that a sprung shot-hole is sufficiently cooled before explosives are loaded.

(5) No hole shall be sprung adjacent to any hole loaded in preparation for shot-firing. [1955, c. 35, s. 266]

267. In a strip mine all drill holes shall be stemmed to assure maximum efficiency from explosives. Stemming in
strip mine

[1955, c. 35, s. 267]

268. In a strip mine, when explosives are being loaded into a shot-hole all persons not required for the blasting operations shall be barred from the vicinity thereof. Blasting
operations

[1955, c. 35, s. 268]

269. Where secondary blasting is practised in a strip mine Secondary
blasting in
strip mine

- (a) block holes shall be used whenever practicable,
- (b) the holes shall be deep enough to accommodate the charge of explosives and sufficient stemming to confine the charge,
- (c) mudcap or adobe charges shall be completely covered with stemming material, and
- (d) two or more charges shall not be used on the same boulder unless the charges are detonated simultaneously. [1955, c.35, s. 269]

270. (1) Detonating fuse such as Primacord may be used in a strip mine. Detonating
fuse
in strip mine

(2) When priming well-drill holes with detonating fuse, the fuse

- (a) shall be lowered to the bottom of the hole by attaching it to the first cartridge or otherwise,
- (b) shall be cut from the reel which shall be moved away before other explosives are loaded, and
- (c) shall extend from the hole at least two feet, be drawn taut and made secure at the top of the hole.

(3) No splices shall be used in the drill hole.

(4) Main or trunk line splices shall be factory splices or tight square knots.

(5) Main or trunk lines shall be laid out free from kinks or coils, and all connections in the line, other than splices, shall be tight and at right angles.

(6) Detonators shall not be attached to the fuse until all else is ready for the firing.

(7) The detonator shall be attached to the detonating fuse

(a) by a connector for that purpose, or

(b) by taping or otherwise attaching alongside the fuse with the end of the detonator containing the explosive charge pointed in the direction in which the detonation is to proceed. [1955, c. 35, s. 270]

Duties of
blaster

271. The blaster

(a) shall retain in his possession the keys to the circuit used in shot-firing during the process of charging holes,

(b) shall before shots are fired, ensure that all persons are out of reach of danger from the effects of the shots, and

(c) shall ensure that no person but himself couples the shot-firing cable to the detonator wires and to the means of ignition. [1955, c. 35, s. 271]

Firing lines

272. (1) Where shots are fired in a strip mine, the firing lines and leading lines shall be in good condition and adequate in length to assure the safety of the blaster.

Use of
power circuit

(2) When firing from a power circuit

(a) fuses of adequate capacity shall be installed in the power line near the master firing switch,

(b) the power circuit shall not be grounded,

(c) the master switch shall always be used and locked in "open" position at all times, except when firing,

(d) in addition to the master switch, one or more safety switches shall be placed in the permanent firing lines, and

(e) safety switches shall be short-circuited in the "off" position, but not grounded.

Use of
blasting
machine

(3) Where a blasting machine is used

(a) the blasting machine shall be of a type approved for strip mines,

(b) the machine and detachable handle or key shall be kept during the loading, and until the blast has been fired, in the possession of the blaster,

(c) if the machine has no detachable handle it shall be kept in a locked box until ready to be used, and

(d) the number of detonators fired at one time shall not exceed the rated capacity of the machine.

[1955, c. 35, s. 272]

273. After the firing of shots, the blaster shall examine the area affected by the blasting and take whatever action is necessary in order that work can be safely resumed.

Duties of
blaster

[1955, c. 35, s. 273]

274. The blaster shall keep in a book which shall be kept at the mine for that purpose, a daily record showing

Daily record
of blaster

- (a) the number of detonators used,
- (b) the amount of explosive used, and
- (c) the number of shots that have missed fire.

[1955, c. 35, s. 274]

Miscellaneous

275. (1) No explosive shall be taken into or used in a mine except an explosive provided by the owner.

Owner shall
provide
explosive

(2) In an anthracite or bituminous coal mine or a mine where explosive gas has been found in dangerous quantities during the preceding twelve months, no explosive other than a permitted explosive shall be used, unless otherwise expressly authorized by the Director.

[1955, c. 35, s. 275]

276. No person shall take into or allow to remain in a building at a mine, other than a magazine, any explosive or explosive substance unless authorized to do so by the manager.

Explosive
in mine
building

[1955, c. 35, s. 276]

277. (1) The owner, agent or manager shall appoint a person to take charge of explosives and put them back into storage when returned for that purpose.

Person
appointed
to take
charge of
explosives

(2) Unless authorized by the manager, foreman, overman or examiner, no person shall have any explosive in his possession at a mine.

(3) If an employee of the mine has any explosives in his possession at the end of his shift, he shall return such explosives to the person appointed to take charge of explosives.

(4) A person authorized to use explosives at a mine

- (a) shall use the greatest precaution in the care and handling of them, and
- (b) when handling a cartridge, shall
 - (i) place all open lights at least four feet away downdraft,
 - (ii) refrain from having a pipe, cigarette or cigar in his mouth, and
 - (iii) refrain from having an open-flame lamp on his head.

[1955, c. 35, s. 277]

Shots in
loose rock
or coal

278. Except under the immediate supervision of the manager or overman no mudcap shots or adobe shots shall be fired underground in loose rock or coal.
[1955, c. 35, s. 278]

Issue of
detonators

279. (1) The manager shall appoint a person under whose control detonators shall be kept.

(2) A person so appointed may issue detonators to shot-firers, blasters and other persons authorized by the manager in writing.

(3) No person other than such shot-firers, blasters or other persons so authorized shall take a detonator into a mine.

(4) Each shot-firer, blaster or other authorized person shall until they are about to be used, keep all detonators issued to him in a locked box of a pattern approved by the Director.

(5) The authorization of the manager for the issue of detonators to a miner is subject to the permission in writing of the district inspector.
[1955, c. 35, s. 279]

Possession
of electric
firer or
canister key

280. No person at a mine except a manager, overman, foreman, shot-firer or blaster shall have in his possession

(a) an electric firer, or

(b) a key to a case, canister or storage box prescribed by this Part.
[1955, c. 35, s. 280]

Improper
use of ex-
plosive, etc.

281. No person at a mine shall improperly use or apply an explosive, detonator, shell or thawing apparatus.
[1955, c. 35, s. 281]

PART XII

VENTILATION AND GASES

Application of Part

Application
of Part

282. This Part applies only to underground mines.
[1955, c. 35, s. 282]

Adequate Ventilation

Adequate
ventilation

283. (1) Adequate ventilation shall be provided constantly in a mine

(a) to dilute and render harmless all noxious or inflammable gases, and

(b) to make fit for working or travelling the working places and the travelling roads.

(2) A mine shall be divided into districts, each containing not more than seventy men at one time.

(3) Each district shall be supplied with a separate current of fresh air.
[1955, c. 35, s. 283]

284. Where, on a longwall face by reason of the thinness of the seam or other conditions, adequate ventilation would create an excessive velocity or uncomfortable conditions, the supply of air on the face may be less than two hundred cubic feet per minute for each person or animal, if permission in writing setting out another minimum supply is first obtained from the district inspector. [1955, c. 35, s. 284]

Adequate
ventilation
at long-
wall face

285. Intake air shall not travel over or by stagnant water, stables or old workings. [1955, c. 35, s. 285]

Intake air

286. In mines using main and counter gangways with chutes passing from the main entry or gangway to the room above, the loader shall keep the coal in the chutes above the bulkhead to prevent any short-circuiting of air. [1955, c. 35, s. 286]

Short-
circuiting
of air

287. Where the sectional area of a roadway or shaft available for the free passage of the air current is reduced by the haulage of mine cars or otherwise, the owner, agent or manager shall provide another airway or shaft to admit the free passage of air. [1955, c. 35, s. 287]

Alternate
airway

288. (1) Where the district inspector finds

- (a) that the sectional area of an airway is such that the velocity of air required to provide adequate ventilation would raise and keep in suspension an undue amount of dust, or would carry into the workings dust that would be a source of danger, or
- (b) that cars, motors or other appliances passing along an airway materially interfere with the passage of the air current,

Notice
where
airway
insufficient

he may give notice in writing of the condition to the owner, agent or manager.

(2) Unless the condition is remedied forthwith the district inspector shall report it to the Director who shall take such steps as he deems necessary to cause the condition to be remedied. [1955, c. 35, s. 288]

Report of
inspector

Ventilating Apparatus

289. (1) A fan for the production of ventilation and a proper means for driving the fan shall be provided at each mine.

Fan

(2) The fan shall be kept in operation at all times when men are in the mine, unless adequate ventilation is maintained by other means.

(3) The machinery, apparatus and devices for providing ventilation shall be kept in good working order and condition at all times. [1955, c. 35, s. 289]

290. (1) Each auxiliary or booster fan placed in a mine shall be driven by electricity or compressed air.

Auxiliary or
booster fan

(2) Each auxiliary or booster fan underground shall be so placed that there is no re-circulation of return air within the fan.

(3) If an auxiliary or booster fan is electrically driven, the motor shall be placed in the intake airway.
[1955, c. 35, s. 290]

Reversal of
air current

291. Each mechanical contrivance for the production of mine ventilation

- (a) shall be provided with means of reversing the air current immediately at any time, and
- (b) except in the case of an auxiliary contrivance, shall be placed above ground. [1955, c. 35, s. 291]

Stopping
of fan

292. (1) No fan or other device providing ventilation for a mine or district shall be stopped without the consent of the manager.

(2) No fan or auxiliary ventilating device providing ventilation for an advancing place shall be started or stopped without the consent of the examiner of the district.

(3) Where a ventilating fan has been stopped when persons are not in the mine or overnight, it shall be run continuously for at least two hours before any person enters the mine. [1955, c. 35, s. 292]

Procedure
on stopping
of fan

293. Where persons have been withdrawn from a mine no person shall be re-admitted to the mine, except for the purpose of examining or repairing, until

- (a) the fan is again in operation or other artificial means provide adequate ventilation, and
- (b) the underground workings are examined by a person holding a first class, second class or third class certificate and a report that the workings are safe is made by him in a book which shall be kept at the mine for that purpose. [1955, c. 35, s. 293]

Reversal of
air current

294. In a mine in which safety lamps are required to be used, no air current shall be reversed while persons are underground, except in the case of emergency.
[1955, c. 35, s. 294]

Records and Measurements

Ventilation
plan

295. (1) The owner, agent or manager shall keep at the mine office a separate plan which shall be drawn to a scale approved by the Director and shall show

- (a) the system of ventilation in a mine,
- (b) the direction of the air currents,
- (c) points where the quantity of air is measured, and
- (d) devices for the regulation and distribution of air.

(2) The plan shall be kept up to a date not more than three months previous. [1955, c. 35, s. 295]

296. (1) The owner, agent or manager shall provide an automatic recording pressure gauge and cause it to be used constantly in connection with each ventilating fan. Recording
pressure
gauge

(2) The owner, agent or manager shall appoint a qualified person to observe, from time to time, the ventilating pressure indicated.

(3) Notwithstanding subsection (1), where the mine is ventilated by a fan and not more than ten persons are employed underground a gauge other than an automatic recording pressure gauge may be used.

(4) This section does not apply in the case of an auxiliary fan that is placed underground and that does not contribute to the general ventilation of the mine or of a district of the mine.

(5) Records of ventilating pressures shall

- (a) be kept for a period of at least one year, and
- (b) have the dates on which they were taken inserted on them. [1955, c. 35, s. 296]

297. (1) The overman shall take measurements at least once each week of the current of air. Measuring
quantity
of air

(a) in the main airway as near as practicable to the points at which the air enters and leaves the mine, and

(b) in each district

- (i) as near as practicable to the points at which air enters and leaves the district,
- (ii) as near as practicable to the point at which air enters the first working room, and
- (iii) at such other points as may be directed by the district inspector.

(2) Upon taking the measurements, the overman shall make in a book which shall be kept at the mine for that purpose a signed entry, which shall record

- (a) each measurement taken,
- (b) the greatest numbers of men and animals employed in each district on one shift, and
- (c) the greatest total number of men in the mine on one shift during the preceding week.

(3) A copy of the record made pursuant to subsection (2) shall be sent to the district inspector on or before the twelfth day of the next calendar month.

(4) The person taking air measurements shall immediately thereafter chalk his initials and the date of measurement on the sides or roof of the roadway at or near the point at which the measurements were taken.

[1955, c. 35, s. 297]

Doors and Stoppings

298. (1) Doors on haulage roads shall have an attendant who shall Door
attendant
or trapper

- (a) open them for transportation and travel, and
- (b) prevent them from standing open longer than is necessary for persons, cars or locomotives to pass through.
- (2) Subsection (1) does not apply
 - (a) where there is a self-acting door of a description approved by the district inspector, or
 - (b) where trips are brought to a full stop at a door to enable the person in charge of a trip to open the door and the district inspector has granted exemption in writing from the requirement of a door attendant.
- (3) Where there is an attendant at a ventilating door, a place of refuge shall be provided close to the door at a position approved by the district inspector.

[1955, c. 35, s. 298]

Duties
of door
attendant

299. A person who has charge of a door shall

- (a) open it only for the passage of persons, animals, locomotives or cars,
- (b) close it instantly when such passage has been made,
- (c) ensure that the door does not remain open and is not propped or fastened back, and
- (d) remain at the door until the work of his shift is finished.

[1955, c. 35, s. 299]

Door on
main road

300. Where a door is required on a main road, the district inspector may order that two doors be placed and that while one is open the other remain closed.

[1955, c. 35, s. 300]

Ventilation
doors

301. All doors used in assisting or conducting the ventilation shall be hung and adjusted so that they will close automatically.

[1955, c. 35, s. 301]

Stoppings

302. (1) Stoppings between intake and return airways shall be constructed substantially and in such manner as to prevent undue leakage of air.

(2) The space between the face of the stopping and the roadways shall be kept free of obstructions.

[1955, c. 35, s. 302]

Ventilation in Working Places

Air current
at working
face

303. The air current shall be circulated to and along the face of each working place in the mine in sufficient quantities to dilute, render harmless and sweep away smoke, noxious gases or inflammable gases sufficiently to make the working place and travelling roads safe and fit for work and travel.

[1955, c. 35, s. 303]

304. In fast ends the ventilation shall be conducted to the face of the working of the fast ends by means of brattice, air-pipes or vent-tubes. Brattice,
air-pipes,
vent
[1955, c. 35, s. 304]

305. Where brattice or air-pipes are used for the ventilation of the working places, the examiner shall ensure that they are kept sufficiently advanced to permit an adequate amount of air reaching the working faces. Duty of
examiner
respecting
brattice
[1955, c. 35, s. 305]

306. (1) Cross-cuts shall be put through between rooms and in entries at intervals of not more than sixty feet unless ventilation is provided by means of fans and vent-tube, air-pipe or brattice. Cross-cuts

(2) Not more than one working place and cross-cut in each entry shall be driven beyond the last cross-cut connected with the general ventilation of the mine.

(3) All cross-cuts or break-throughs except the one next or nearest to the face shall be securely stopped off.

(4) Upon an application accompanied by a plan of the proposed workings satisfactory to him, the district inspector may in writing grant an exemption from the requirement of cross-cuts herein contained where

(a) special circumstances arise, or

(b) the multiple entry system is used.

[1955, c. 35, s. 306]

Gas

307. The removal of standing gas in a mine shall be under the direct personal supervision of a person holding a first class, second class or third class certificate. Standing
gas
[1955, c. 35, s. 307]

308. No person shall brush out or waft gas from a working place. Brushing
out gas
[1955, c. 35, s. 308]

309. (1) The parts of a mine no longer being worked shall, so far as is practicable, be kept free of dangerous gases. Gas in old
workings

(2) Where it is found impracticable to keep the entire mine free from an accumulation of gases, the district inspector shall be notified immediately. [1955, c. 35, s. 309]

310. When inflammable gas is found in a mine in which safety lamps are not required, the owner, agent or manager shall notify the Director and the district inspector forthwith by the most expeditious means available. Finding
of gas

[1955, c. 35, s. 310]

311. (1) A person who finds inflammable or any other noxious gas in dangerous quantities in a mine shall report such gas immediately to the manager, overman or examiner before leaving the mine. Report of
dangerous
gas

(2) The manager, overman or examiner to whom the report is made shall immediately in the presence of the person reporting, make a record of the report in a book which shall be kept at the mine for that purpose.

[1955, c. 35, s. 311]

Gas Where Diesel Locomotive Used

Test for gas
in diesel
locomotive
road

312. (1) In each road where a diesel locomotive is operated the quantity of air passing and the percentage of inflammable gas present in the general body of the air shall be determined

- (a) at each end of the road, and
- (b) at such intermediate points as the manager or district inspector may specify,

except on the part of a main intake airway that begins at a shaft or outlet to the surface and is more than three hundred yards from a face.

(2) The test required by subsection (1) shall be made at least once each week and in addition whenever any alteration is made in the quantity of air circulating.

(3) Where the percentage of inflammable gas present is found to exceed three-quarters of one per cent

- (a) the manager shall in writing appoint a person to make further tests,
- (b) the person appointed to make further tests shall make further determinations at times when the percentage of inflammable gas is likely to be greatest and at intervals not exceeding twenty-four hours for so long as the percentage continues to exceed three-quarters of one per cent and for at least six working days thereafter, and
- (c) a written report of the tests shall be made to the manager and by the manager to the district inspector within seven days.

(4) If the percentage of inflammable gas present is found to exceed one per cent

- (a) the use of the diesel locomotive shall be discontinued forthwith,
- (b) a report of the test shall be made to the manager and by the manager to the district inspector immediately, and
- (c) the use of the diesel locomotive shall be resumed only after
 - (i) steps have been taken to improve ventilation,
 - (ii) it has been ascertained that the percentage of inflammable gas present does not exceed one per cent,
 - (iii) the district inspector approves the resumption, and

(iv) the manager instructs the resumption.

(5) The owner, agent or manager shall report without delay to the Director any instance in which the use of a diesel locomotive is discontinued because of the presence of inflammable gas. [1955, c. 35, s. 312]

Inspections for Gas

313. (1) Within four hours before the time each shift commences work an examiner shall with a locked flame-type safety lamp or other approved gas testing device inspect the part of a mine being or intended to be worked and the roadways leading thereto. Inspection
for gas be-
fore shift

(2) The examiner making the inspection shall

(a) report to the manager or overman on the condition of the part of the mine and roadways inspected as far as safety and ventilation are concerned, and

(b) enter and sign a true report of the inspection in a book which shall be kept at the mine for that purpose.

(3) A copy of the report shall be posted immediately in a conspicuous place at the mine.

(4) No person shall go to work until a copy of the report, stating that the part of the mine in which he will work and the roadways leading thereto are safe, has been posted. [1955, c. 35, s. 313]

314. One or more stations shall be appointed at the entrance to the mine and, subject to the consent in writing of the district inspector, at such underground points as the case requires, beyond which no workmen shall pass until the part of the mine beyond the stations has been inspected and reported safe. Stations [1955, c. 35, s. 314]

315. (1) At least twice during each eight-hour shift, an examiner shall make an inspection similar to that made before the shift commences work, of all parts of the mine in which the shift is employed. Inspection
for gas dur-
ing shifts

(2) The first inspection required by this section shall be made during the first half of the shift, and the second inspection during the last half of the shift and at least one hour after the first inspection.

(3) If inflammable gas has not been found in the mine during the preceding twelve months, a flame-type safety lamp or other approved testing device need not be used for inspections under this section. [1955, c. 35, s. 315]

316. An examiner, when making an inspection with a locked flame-type safety lamp or other approved gas testing device, shall not use or carry an open-flame lamp or any device for striking an open light. Use of open-
flame lamp
during gas
tests
prohibited [1955, c. 35, s. 316]

Barometer
and
thermometer

317. (1) A barometer and thermometer shall be placed above ground in a conspicuous position near the entrance to a mine in which inflammable gas has been found in the preceding twelve months.

Readings

(2) Each day before making the first inspection of parts of a mine being worked and roadways, the examiner shall

- (a) take barometer and thermometer readings, and
- (b) record the readings in a book which shall be kept in the mine for that purpose. [1955, c. 35, s. 317]

Gas detector
readings

318. (1) In a mine in which inflammable gas has been found in the preceding twelve months, unless exemption has been granted by the Director, a capable person shall with a gas detector of a type approved by the Director take gas detector readings or observations daily in the return airways of each district at a point not more than one hundred feet from the last working place in the district, but the readings or observations need not be made

- (a) on Sunday, idle days or holidays, or
- (b) in districts where no coal is being mined and not more than ten men are employed.

(2) A person making gas detector readings or observations shall enter and sign a record of the readings in a book which shall be kept at the mine for that purpose.

[1955, c. 35, s. 318]

Inspection of
airways

319. In each mine an examiner

- (a) shall at least once in every twenty-four hours inspect all airways being worked or intended to be worked,
- (b) upon becoming aware of anything requiring attention, shall report it to the manager or overman, and
- (c) shall immediately enter a report of each inspection in the daily report book. [1955, c. 35, s. 319]

Workmen
shall be
withdrawn
from danger
from gas

320. (1) If at any time the person for the time being in charge of a mine or a part thereof finds that by reason of noxious gases or otherwise the mine or part thereof is dangerous, every workman shall be withdrawn immediately from the mine or part so found dangerous.

(2) The person for the time being in charge of the mine or part thereof shall

- (a) if the danger arises from inflammable gas, inspect the mine with a locked flame-type safety lamp,
- (b) report the condition of the mine or part thereof, and
- (c) record and sign the report of the condition in a book which shall be kept at the mine for that purpose.

(3) Except for the purpose of determining or removing the cause of danger or for exploration, no person shall be re-admitted to the mine or part thereof that has been found dangerous until a copy of the report of the person in charge of the mine or part thereof has been posted stating that the mine or part thereof is not dangerous.

(4) For the purpose of this section, a part of a mine shall be deemed to be in a dangerous condition if the amount of inflammable gas in the general body of the air is two and one-half per cent or more. [1955, c. 35, s. 320]

Percentage
of gas
deemed
dangerous

321. (1) Where the district inspector is of the opinion that because of gas given off or dust created or for another reason it is unsafe for two shifts in close succession to work the rooms, entries or faces, he may require such interval as he thinks necessary between the finishing of work by one shift and the beginning of work by the next shift in the rooms, entries or faces.

Interval be-
tween shifts

(2) The inspector shall give notice in writing to the owner, agent or manager of the interval required between shifts. [1955, c. 35, s. 321]

322. (1) Every precaution shall be taken to prevent the accumulation of noxious or inflammable gas in any working place or roadway.

Prevention
of accumula-
tion of gas

(2) When any such gas is found, safe and effective means shall be taken to remove it as soon as possible.

[1955, c. 35, s. 322]

PART XIII

SAFETY LAMPS

Application of Part

323. This Part applies only to underground mines.

[1955, c. 35, s. 323]

Application
of Part

Approved Safety Lamps

324. (1) The Director shall by order in writing approve safety lamps which may be used in a mine where a safety lamp is required.

Approved
safety
lamps

(2) Where a safety lamp is required no person shall use a lamp of a type or pattern that has not been approved by the Director. [1955, c. 35, s. 324]

325. No lamp other than a locked approved safety lamp shall be used underground

Idem

- (a) if inflammable gas has been or is likely to be found in the mine, unless the Director by order in writing otherwise permits, or
- (b) if the Director by notice in writing prohibits the use of a lamp or light other than an approved safety lamp. [1955, c. 35, s. 325]

Use of
safety
lamp

326. The owner, agent or manager shall not permit a light other than an approved safety lamp to be used

- (a) in a new mine being opened up in a district, area or seam where gas has been found previously,
- (b) in a working approaching a place in a mine where there is likely to be an accumulation of inflammable gas, or
- (c) in a place in a mine where there is likely to be such quantity of inflammable gas as to render the use of naked lights dangerous. [1955, c. 35, s. 326]

Naked lights
prohibited

327. When safety lamps are required under section 325 or section 326 in any part of a mine, no naked lights shall be used in another part of the mine. [1955, c. 35, s. 327]

Lampman

Lampman

328. The owner, agent or manager of a mine in which safety lamps are at any time used shall appoint in writing one or more lampmen to ensure that the lamps are properly cleaned, put together and in good order before being given out to the workmen. [1955, c. 35, s. 328]

Duties of
lampman

329. The lampman shall

- (a) ensure that each safety lamp given out for use is thoroughly cleaned, put together properly, in safe working order and securely locked,
- (b) ensure that no safety lamp gauze is used with less than twenty-eight parallel wires to the inch with equal spaces between,
- (c) permit no person to be in the lamp house except on business,
- (d) ensure that all oil, gasoline, naphtha, spirits or other inflammable materials in the lamp house are carefully and properly stored and used, and that no greasy waste or other refuse accumulates in or about the lamp house,
- (e) keep the lamp house neat and clean and all appliances in proper working order, and
- (f) when he receives a defective or damaged lamp
 - (i) report it to the manager or overman, and
 - (ii) keep it in the state in which it was received until inspected by the manager or overman.

[1955, c. 35, s. 329]

330. (1) No person except one authorized by the manager or overman shall take a safety lamp from the lamp house or give one out for use in the mine. Unauthorized issue of lamps prohibited

(2) A daily record of the names or numbers of all persons to whom safety lamps are given out and of the return of each lamp shall be made in a book, which shall be kept at the mine for that purpose. Record of lamps
[1955, c. 35, s. 330]

Inspection of Safety Lamps

331. (1) Where safety lamps are required, each lamp, before it is taken into the workings, shall be inspected Inspection of lamp before use

(a) in the case of a flame-type lamp, by a person who is the holder of a first class, second class or third class certificate, and

(b) in the case of an electric safety lamp, by a person who is the holder of a first class, second class or third class certificate, or by a mine electrician or lampman,

to ascertain if it is safe and securely locked.

(2) No safety lamp shall be used until it has been inspected in accordance with subsection (1) and found safe and securely locked.

(3) The lamp shall not be unlocked without authority from the owner, agent or manager. [1955, c. 35, s. 331]

332. (1) Each person receiving a safety lamp shall inspect it to see that it is securely locked. Inspection of lamp by user

(2) Each person having a safety lamp in his possession

(a) shall pay frequent attention to the condition of the lamp,

(b) if he finds

(i) oil spilled on the gauze or glass,

(ii) the gauze punctured so as to enlarge a hole,

(iii) the glass cracked,

(iv) the lamp has become unsafe from inflammable gas, or

(v) the lamp has become unsafe from any other cause,

shall extinguish the light by drawing the wick within the tube, and

(c) upon extinguishing a lamp in accordance with clause (b) shall take it to the overman, examiner or lampman. [1955, c. 35, s. 332]

333. (1) A person appointed for the purpose shall receive and examine each safety lamp returned to the lamp house. Inspection on return of lamp

(2) If upon examination a lamp is found to be damaged, the damage shall be deemed to have been due to the neglect or fault of the person to whom the lamp was given out unless he shows that the damage was not due to his fault. [1955, c. 35, s. 333]

Miscellaneous

Return
of lamp

334. Each person receiving a safety lamp before going on shift shall return it personally at the end of the shift to the lamp house. [1955, c. 35, s. 334]

Report of
damaged
lamp

335. If the lamp is damaged the person to whom the lamp was given out shall immediately notify the manager, overman, examiner or other person in authority. [1955, c. 35, s. 335]

Lighting
of lamp

336. (1) A safety lamp shall not be lighted below ground except by a person who is the holder of a first class, second class or third class certificate, or by a person appointed by the manager and approved of in writing by the district inspector.

(2) A safety lamp shall not be lighted until it has been examined thoroughly and found to be in safe condition and good working order.

(3) No person other than one referred to in subsection (1) shall have in his possession in a mine a key or other contrivance for re-lighting a safety lamp.

[1955, c. 35, s. 336]

Misuse
of lamp
prohibited

337. No person shall

(a) improperly use or damage a safety lamp, or

(b) blow out or attempt to blow out a flame in a safety lamp below ground. [1955, c. 35, s. 337]

Placing
of lamp
on bottom

338. A person having a safety lamp shall place it on its bottom

(a) only when necessary to do so for the safe performance of his work, and

(b) at least two feet from the swing of a tool.

[1955, c. 35, s. 338]

Possession
of lamp key

339. No person shall have in his possession in a mine in which safety lamps are required any key or contrivance for unlocking a safety lamp unless he is

(a) the holder of a first class, second class or third class certificate,

(b) authorized to do so by the manager or overman in writing, or

(c) a person appointed by the manager and approved by the district inspector to light safety lamps underground. [1955, c. 35, s. 339]

Tobacco
prohibited
where safety
lamp used

340. No person shall have in his possession in any part of a mine in which safety lamps are required to be used any match or apparatus for making a light, any tobacco pipe or any tobacco for smoking in any form. [1955, c. 35, s. 340]

341. (1) The owner, agent or manager of a mine in which safety lamps are required shall appoint one or more persons to make inspections for articles that this Part prohibits having in a mine. Search for prohibited articles

(2) The persons appointed under subsection (1) shall search for prohibited articles

- (a) any person newly engaged at the mine before that person begins his first shift, and
- (b) any persons at any time when so directed by the manager or the district inspector.

(3) The persons appointed under subsection (1) shall before searching workmen for matches, pipes or tobacco, submit themselves to search by an official appointed by the manager. [1955, c. 35, s. 341]

342. (1) Containers or drums for carbide used in lamps shall be Carbide drums

- (a) stored in a dry place, and
- (b) kept covered except when carbide is being removed.

(2) Each person opening a carbide container or drum shall

- (a) use the greatest precaution,
- (b) ensure that he does not have an open-flame lamp on his head,
- (c) ensure that there is no pipe, cigar or cigarette in his mouth, and
- (d) keep all open lights at least four feet away from the container. [1955, c. 35, s. 342]

343. The provisions of this Part do not prevent

- (a) the use of a safety lamp provided with a re-lighting apparatus within the tube thereof of a pattern approved by the Director, or
- (b) the use of any shot-igniter, electrical firer or other shot-firing appliance of a pattern approved by the Director. [1955, c. 35, s. 343]

Application of Part

PART XIV

PRECAUTIONS AGAINST COAL DUST

Application of Part

344. (1) This Part applies only to underground mines. Application of Part

(2) The district inspector may in writing exempt any mine or part of a mine from the application of this Part. [1955, c. 35, s. 344]

Where Dusting Required

"road"

345. In this Part, "road"

- (a) includes any part of a mine to within thirty feet of the coal face, but
- (b) does not include offices, stables, or engine, motor, transformer or pump rooms. [1955, c. 35, s. 345]

Dusting
required

346. (1) The floor, roof and sides of each road or part of a road that is accessible shall be treated with incombustible dust in such manner and at such intervals of time as will ensure that the dust on the floor, roof and sides will always contain not less than sixty-five per cent of incombustible matter, unless

- (a) the dust mixture on the floor, sides, timbers and roof of the road contains at least thirty per cent of water, or
- (b) tests made in accordance with this Part show that the floor, roof and sides of a road in their natural condition contain sufficient incombustible matter to comply with the requirements of this Part.

(2) Where methane is present in the ventilating current the minimum amount of sixty-five per cent of incombustible matter prescribed by subsection (1) shall be increased by one per cent for each one-tenth of one per cent of methane in the air. [1955, c. 35, s. 346]

Zones

Zones

347. (1) For the purposes of this Part each mine shall be divided into zones in a manner satisfactory to the Director.

(2) A plan shall be kept at the mine office showing the number and location of the zones.

(3) A copy of the plan shall be sent to the district inspector.

(4) When a new zone is added notice shall be sent to the district inspector setting out the location, length and number of each new zone. [1955, c. 35, s. 347]

SamplingFrequency
of sampling
of dust

348. Dust shall be sampled at one or more representative places in each zone,

- (a) during each calendar month, and
- (b) whenever by visual inspection, the dust in a stretch or zone of entry one hundred feet or more in length appears to contain sufficient coal dust to make the incombustible content of all dust in the zone less than sixty-five per cent.

[1955, c. 35, s. 348]

349. (1) The district inspector may collect check samples when he deems fit. Inspector may sample dust

(2) The district inspector may be accompanied by an official of the mine and may be assisted by the official in determining the representative place in each zone at which samples will be collected. [1955, c. 35, s. 349]

350. (1) In sampling dust, separate samples shall be taken and analysed from the floor of the road and from the roof and sides of the road. Method of sampling of dust

(2) The sample from the floor shall be taken by a scoop or other means in a groove six inches wide, from rib to rib in the loose, fine material.

(3) The sample from the roof and sides shall be brushed in a six-inch strip from the ribs and roof, and where the entry has timber sets, from the top of one collar and six inches wide from any lagging.

(4) Each sieved sample shall be gathered on canvas or oilcloth and the representative portions for analysis shall be obtained by passing through a twenty-eight mesh sieve.

(5) Each separate sample shall be weighed to determine the approximate amount of dust per lineal six inches. Weighing of dust

(6) The percentage of incombustible matter in each sample shall be determined by the volumeter or by chemical analysis. Analysis of dust
[1955, c. 35, s. 350]

351. (1) A report of each test shall

(a) be recorded in a book which shall be kept at the mine for that purpose, and Report of sampling of dust

(b) show the zone and location in the zone at which each sample was taken.

(2) Copies of the report shall be

(a) posted at the mine, and

(b) forwarded to the district inspector on or before the twelfth day of the next calendar month.

[1955, c. 35, s. 351]

Dusting

352. Before a part of a road is dusted for the first time with incombustible dust, it shall be cleaned as thoroughly as possible of all combustible dust. Road to be dusted shall be cleaned
[1955, c. 35, s. 352]

353. The incombustible dust used for the purpose of this Part shall Specifications of dust

(a) pass through a sieve of twenty-eight mesh to the lineal inch, and

(b) contain not less than fifty per cent by weight of fine material, capable when dry of passing through a sieve of two hundred mesh to the lineal inch.

[1955, c. 35, s. 353]

Minister
may pro-
hibit kinds
of dust

354. No dust of a kind which may be prohibited by the Minister on the ground

- (a) that it would not be effective, or
- (b) that it would be injurious to the health of persons working in the mine,

shall be used for the purpose of this Part.

[1955, c. 35, s. 354]

PART XV

MISCELLANEOUS SAFETY PROVISIONS

Barrier Pillars

Pillars
between
adjoining
properties

355. (1) The owners or operators of adjoining coal properties shall each leave or cause to be left, in each seam along the boundary line common to the adjoining properties a pillar of coal of such width that, together with the pillar to be left by the adjoining property owner or operator, it will be a sufficient barrier to ensure the safety of the employees in either mine in case a mine on the other property is abandoned or allowed to fill with water.

(2) The width of the pillar shall be determined by the Director in consultation with the representatives of the owners or operators, and no mining shall be carried on within one hundred feet of the boundary line until such determination is made.

(3) No mining or other working shall be done in the barrier pillar.

(4) The surveyor of a coal property may, with the consent of the Director, enter a mine on an adjoining property to survey the position of the workings of that mine along the barrier pillar.

(5) Plans of the survey of the faces of the workings along the barrier pillar shall

- (a) be prepared within sixty days of the extraction of coal adjoining the barrier pillar, and
- (b) be filed immediately with the owner of the adjoining property, with the Director and with the district inspector.

[1955, c. 35, s. 355]

Pillars
around oil
or gas wells

356. (1) No coal shall be mined within three hundred feet of a borehole drilled or being drilled for petroleum, natural gas or other minerals or within such other distance as the Director may prescribe in a particular case.

(2) Where the workings of a mine approach within two thousand feet of a borehole, the owner, agent or manager

- (a) shall keep at the mine office a plan of the mine, which shall be on the scale prescribed by section 123 and which shall show the position of the workings of the mine in relation to the borehole, and the projected workings,

- (b) shall forward to the Director
 - (i) as soon as the workings approach within two thousand feet of the borehole, a copy of the plan, and
 - (ii) when any amendments, additions or extensions are made to the plan, a copy of such amendments, additions or extensions,
 and
- (c) shall comply with the requirements of the Director relating to the safety of the workers in the mine and of the mine. [1955, c. 35, s. 356]

Accumulations of Water, etc.

357. (1) When a working approaches within one hundred and twenty feet of

Workings
approaching
water or gas

- (a) any place that is likely to contain a dangerous accumulation of water or gas, or
- (b) any disused workings that have not been examined and found free from accumulations of water or gas,

the working approaching such place or disused workings shall not exceed eight feet in width or height or such greater width as may be permitted by the Director.

(2) At least one borehole near the centre of the working face and sufficient flank boreholes on each side at intervals of not more than fifteen feet shall be kept constantly at a sufficient distance, of not less than fifteen feet, in advance.

(3) If a working is approaching an overlying accumulation of water, the district inspector, after consultation with the manager and the engineer of the owner, may require that solid pillars be left in or that water be removed from the area.

(4) A requirement of a district inspector under subsection (3) shall be complied with. [1955, c. 35, s. 357]

358. (1) No water shall be allowed to accumulate in a strip mine.

Water in
strip mine

(2) Notwithstanding subsection (1), if the Director is satisfied that it is in the public interest to do so he may upon application permit the accumulation of water in a particular case upon such terms and conditions as he may prescribe.

[1955, c. 35, s. 358]

Combined Operations

359. (1) Where combined operations are carried on, ditches of adequate capacity together with such other works as are necessary shall be provided to ensure that water will be prevented from entering the strip mine from adjacent land under any conditions.

Ditches
about
combined
operations

(2) The relative position of such ditches or other works to the edge of the strip pit shall meet with the approval of the district inspector.

(3) The foreman shall make at least two complete inspections during the shift, one in the first half of the shift and another in the last half of the shift, of all ditches and areas at which water might enter the mine, and shall enter a report of such inspections in a book which shall be kept at the mine for that purpose.

(4) If, during an inspection or at any other time, a condition exists that might cause or tend to cause a danger to any person employed either on the surface or underground,

(a) the foreman shall immediately

(i) withdraw to a place of safety all persons who are under his charge, and

(ii) report the condition by the quickest method to the person for the time being in charge of operations underground,

(b) the person in charge of operations underground, upon receiving the report of the foreman, shall immediately withdraw to a place of safety, all persons under his charge, and

(c) except when necessary for inquiry into the cause of danger, or for the removal thereof or for exploration no person shall be re-admitted to the mine or such part thereof as is dangerous until a competent person

(i) has made a further complete inspection and has found that the dangerous condition no longer exists, and

(ii) has entered and signed a report of such inspection in a book which shall be kept at the mine for that purpose,

and a copy of the report stating that the mine, or part thereof, is not dangerous has been posted in a conspicuous place at the mine.

(5) During any time of abnormal weather or other conditions the management of the mine shall cause a continuous patrol of the ditches and other works to be made as long as the abnormal conditions remain. [1955, c. 35, s. 359]

Precautions Regarding Machinery and Installations

Gears shall
be cased
Machinery
shall be
fenced

360. (1) All gears shall be kept securely cased or guarded.

(2) Each fly-wheel and all exposed and dangerous parts of machinery shall be kept securely fenced for the prevention of accidents.

(3) Where any case, guard, fencing or protective device has been removed for making repairs or other purposes, it shall be replaced before any operation of the machinery has been resumed. [1955, c. 35, s. 360]

361. All sides of stairs, trestles and platforms in or about a mine shall be provided with safe hand and guard railings to prevent persons falling over the sides.

Guard railings

[1955, c. 35, s. 361]

362. (1) All escape ways, shafts, slopes, levels and all ladders, stairs and like installations therein shall be kept free from accumulations of ice and obstructions of every kind.

Shafts, etc., shall be free of ice

(2) Proper precautions shall be taken to prevent ice from accumulating in wet shafts, inclines or levels.

(3) All surface or other water shall be conducted by rings or other means to receptacles so as to keep stairways reasonably free from water.

[1955, c. 35, s. 362]

363. (1) A qualified person appointed by the manager for that purpose shall at least once in each twenty-four hours inspect the external parts of all machinery, headgear, ropes and chains in actual use.

Inspection of machinery

(2) The person making the inspection shall without delay

(a) enter and sign a true report of the inspection in a book which shall be kept at the mine for that purpose, and

(b) post a copy or duplicate of the report at the mine.

[1955, c. 35, s. 363]

364. (1) A qualified person appointed by the manager for the purpose shall at least once in each week inspect the shafts and the guides or conductors therein by which persons are lowered or raised.

Inspection of shafts

(2) The person making the inspection shall without delay

(a) enter and sign a true report of the inspection in a book which shall be kept at the mine for that purpose, and

(b) post a copy or duplicate of the report at the mine.

[1955, c. 35, s. 364]

365. When any person discovers

(a) a stoppage or disarrangement of ventilation,

(b) damage to any air-crossing, cloth, door, stopping, brattice or air-pipe,

(c) any obstruction in an air course,

(d) weakness in a roof,

(e) deficiency of timber weight or creeping of roof in any working place or roadway,

(f) an accumulation of gas or water, or

(g) any other danger,

he shall immediately give notice to each person exposed to danger and to the manager, overman or examiner.

Report of danger

[1955, c. 35, s. 365]

Unsafe
apparatus

366. If the examiner finds that any rope, chain, signal, brake, McGinty wheel and posts or other apparatus is in an unsafe condition he shall

- (a) stop the use thereof, and
- (b) report the condition in a book which shall be kept at the mine for that purpose. [1955, c. 35, s. 366]

Damage to
installations

367. No person shall wilfully or without proper authority damage, interfere with, impede the working of, remove or render useless any fence, fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam gauge, water gauge, safety valve, notice, timber, door, air-course, brattice, stopping or other appliance or installation in a mine.

[1955, c. 35, s. 367]

Doors should
be shut

368. No person shall without proper authority leave open any door that he found shut. [1955, c. 35, s. 368]

Persons in a Mine

Unauthor-
ized presence
in mine
prohibited

369. (1) No person shall without lawful authority enter a mine or a mine building without first having obtained permission from the owner, agent, manager, overman, foreman or outside foreman.

(2) No person shall enter or remain in any place in a mine where he is not required by duty to be.

[1955, c. 35, s. 369]

Employees
under man-
ager, etc.

370. (1) All persons employed at a mine are subject generally to the control of the manager, overman, foreman, examiner and any other properly appointed person.

Obedience
to orders

(2) Each person at a mine shall obey the lawful demands or orders of the person under whose charge he is.

[1955, c. 35, s. 370]

Delegation
of work
or absence

371. No person occupying a position of trust at a mine shall

- (a) delegate his work to another person without the sanction of the person under whose charge he is, or
- (b) absent himself from duty without a legitimate cause or without the prior permission of the person under whose charge he is. [1955, c. 35, s. 371]

Contraven-
tion shall be
reported

372. When a person becomes aware of any contravention of this Act or the regulations, he shall report it as soon as possible to the manager, overman, examiner, outside foreman or foreman.

[1955, c. 35, s. 372]

No person
shall pass
fence or dan-
ger signal

373. No person shall, unless authorized to do so by the manager, overman, examiner or foreman, pass beyond any fence or danger signal.

[1955, c. 35, s. 373]

374. No person in a state of intoxication shall enter, remain or be allowed to remain in or about a mine. Intoxication
[1955, c. 35, s. 374]

375. No person at a mine shall wilfully and knowingly commit an act likely to cause danger to the mine or to himself or any other person. Act causing danger
[1955, c. 35, s. 375]

376. No person shall sleep in or about a mine. Sleeping prohibited
[1955, c. 35, s. 376]

Fire Precautions

377. (1) The owner or agent shall provide and maintain in good condition at the mine, efficient means of protection against fire Fire protection

- (a) at the main entrance to each hoisting shaft, slope or permanent escapeway,
- (b) at each hoist room or ventilating fan of which the housing and drift are not of fire-proof construction, and
- (c) at the bottom of each hoisting shaft.

(2) The means of fire protection required by subsection (1) shall consist of

- (a) sufficient chemical extinguishers of a type approved by the Director, or
- (b) suitable fire hose of at least one and one-half inch internal diameter, with suitable hose connections and nozzles, and pipe lines of not less than two-inch internal diameter to convey water from an adequate supply at a pressure of not less than twenty-five pounds per square inch.

[1955, c. 35, s. 377]

378. Adequate means of extinguishing fire shall be provided Means of extinguishing fire

- (a) wherever grease or other inflammable material is stored,
- (b) at the bottom of shafts and haulage slopes, and
- (c) at every pit head, engine room, boiler house or motor room in the construction of which timber is used.

[1955, c. 35, s. 378]

379. (1) No oil, grease, canvas or other inflammable material shall be stored in a mine except in a fire-proof receptacle or chamber. Inflammable materials

(2) No paper or material of a kind likely to cause fire shall be permitted to accumulate in the working part of a mine.

(3) No inflammable material likely to cause danger from fire to persons employed in a mine, shall be used in the construction of an engine room, motor room or room in which machinery is used.

(4) No tarred building paper or paper of any kind shall be used for brattice or purposes of ventilation but tarred building paper may be used to interline doors and stoppings.

(5) In places where shots are fired brattice cloth shall be fire-resistant. [1955, c. 35, s. 379]

Use of
fire below
ground

380. (1) No fire shall be used for any purpose below ground.

(2) Notwithstanding subsection (1), the district inspector may grant permission in writing to do emergency welding and cutting by electricity or flame, if such work is done

(a) in fresh intake air,

(b) at a location free from inflammable material, and

(c) subject to such other conditions as the district inspector may prescribe. [1955, c. 35, s. 380]

Gasoline or
internal
combustion
engines

381. An internal combustion engine shall not be used underground unless its use is authorized by the Director in writing and it is used in accordance with such terms as he may prescribe. [1955, c. 35, s. 381]

Filling
station

382. No person shall, in or within thirty feet of a filling station whether above or below ground,

(a) use a light or lamp other than a locked flame-type safety lamp or an adequately protected electric lamp,

(b) use any means for igniting inflammable gas, or

(c) smoke. [1955, c. 35, s. 382]

First Aid and Hospital Facilities

Ambulance
and first aid
supplies

383. (1) Properly constructed ambulances or stretchers and splints, bandages, blankets and sufficient medical and other first aid supplies shall be kept at each mine ready for immediate use in case of accident.

(2) The bandages, blankets, medical and other supplies shall be

(a) kept in a damp-proof container, and

(b) maintained at all times in a clean, sanitary condition. [1955, c. 35, s. 383]

First aid kits

384. (1) Where more than ten men are ordinarily employed in a mine the owner, agent or manager of the mine shall furnish first aid pocket kits and the necessary supplies to keep them replenished.

(2) Each overman, examiner, driver boss or foreman of such mine shall

(a) carry a first aid pocket kit while on duty, and

- (b) report to the manager when fresh supplies for the kit are required.

(3) Where first aid stations established in a mine are in the opinion of the district inspector, adequate to meet the requirements for supplying first aid, he may on the application of the manager grant exemption in writing from the provisions of subsections (1) and (2).

First aid
stations

[1955, c. 35, s. 384]

385. The owner, agent or manager shall provide and maintain at each mine in a convenient place at least two beds properly furnished and suitable for the temporary use of persons injured at the mine, unless

Beds
for injured

- (a) there is a hospital at or within five miles of the mine,
- (b) there is a suitable ambulance properly maintained and available at all times, or
- (c) unless exemption has been granted by the Director in writing.

[1955, c. 35, s. 385]

386. The Lieutenant Governor in Council may from time to time

Mine rescue
facilities

- (a) make arrangements for the installation and operation of mine rescue stations and cars, or
- (b) determine what is sufficient accommodation for the purposes of section 385, and make regulations in regard thereto and for the provision for emergency hospitals by the owner, agent or manager of a mine.

[1955, c. 35, s. 386]

Miscellaneous

387. (1) Where in the opinion of the district inspector, the number of accidents in a mine is excessive, and the accidents are of such nature that they could have been largely prevented by the adoption of hard hats or other forms of protection the district inspector by order may

Protective
clothing

- (a) require the owner, agent or manager of the mine to make available for the workmen any form of protection the district inspector considers necessary, and
- (b) require the workmen to use protective clothing at such times and under such circumstances as he may provide.

(2) Where the average height of a seam of coal being worked in a mine is less than three and one-half feet, the owner, agent or manager of the mine shall furnish free of charge a pair of suitable knee caps or guards to each workman who by reason of the height of seam is required to work on his knees, and shall furnish new knee caps and guards as often as replacement is necessary due to ordinary wear and tear.

Knee caps
or guards

(3) Each workman furnished with knee caps and guards pursuant to subsection (2) shall use them while working on his knees.

(4) If dispute arises as to the applicability of any provision of this section to a mine, the decision of the Director is final. [1955, c. 35, s. 387]

Fence for
dangerous
workings

388. (1) The foreman of a strip mine shall erect or cause to be erected, portable fences or barricades to prevent persons or machinery from inadvertently approaching any dangerous workings.

(2) No person shall pass such a fence or barricade without permission from the manager or foreman. [1955, c. 35, s. 388]

Danger signs

389. Where stripping has been done through a public road danger signs shall be posted or barricades erected at proper locations to prevent accidents. [1955, c. 35, s. 389]

PART XVI

PROVISIONS OF GENERAL APPLICATION

Arbitration

Arbitration

390. (1) Where this Act requires that any matter or dispute be settled by arbitration, the Director shall refer the matter or dispute to an arbitration board appointed in accordance with this section.

(2) The arbitration board shall consist of

- (a) one person appointed by the Director,
- (b) one person appointed by the owner, agent or manager who is a party to the matter or dispute, and
- (c) one person appointed by the persons appointed in accordance with clauses (a) and (b).

(3) The person appointed under clause (c) of subsection (2) shall be the chairman of the arbitration board.

(4) If either party fails to appoint an arbitrator or if the two arbitrators appointed by the parties fail to agree on a third arbitrator, either party to the matter or dispute may apply to a judge of the district court in the judicial district in which the mine is situated, who shall appoint an arbitrator.

(5) The chairman of the arbitration board shall

- (a) fix the time and place for the sitting of the board, and
- (b) give to the interested parties in writing five days' notice of the time and place at which the board will sit for the purpose of hearing and deciding the matter or dispute.

(6) The arbitration board, upon determining a matter or dispute, may

- (a) order that the cost of the arbitration including the remuneration of the arbitrators be paid by the person requiring the arbitration, and
- (b) fix the amount thereof at such sum as to the board seems proper.

(7) The costs so ordered to be paid may be recovered by the Minister as a debt in a court of competent jurisdiction from the person ordered to pay the costs.

(8) The decision of the arbitration board is final and binding on the parties.

(9) An arbitrator appointed under this section shall be paid out of the General Revenue Fund such remuneration as may be prescribed by the Lieutenant Governor in Council.
[1955, c. 35, s. 390]

Records, Returns and Notices

391. (1) The owner, agent or manager shall provide Books the books required by this Act or the regulations.

(2) Each such book or a correct copy thereof shall be kept at the mine office or at another place at the mine where it can be ordinarily and properly kept.

(3) An inspector, an electrical inspector, a person employed at the mine or a person having the written authority of the Director may at all reasonable times inspect and take extracts or copies from such books.
[1955, c. 35, s. 391]

392. The owner, agent or manager of each mine shall provide suitable books in which to enter the records that are required by this Act or the regulations to be made, and shall cause all such records to be entered therein.
[1955, c. 35, s. 392]

393. Each report required by this Act or the regulations to be recorded in a book to be kept at the mine for that purpose shall be countersigned by the manager within three days after the day on which the report is made.
[1955, c. 35, s. 393]

394. (1) Nothing in this Act shall be construed to impose an obligation to keep a book or copy thereof for more than twelve months after it has ceased to be used for entries therein under this Act or the regulations.
No obligation to keep books over 12 months

(2) No report book once used shall be again used for such purpose.
[1955, c. 35, s. 394]

395. (1) The owner, agent or manager of each mine shall send or cause to be sent each month to the Director a Monthly return to Director

correct return showing the quantity of coal or other material taken from the mine during the preceding calendar month and such other information as the Director may demand.

(2) The return required by subsection (1) shall be made on forms supplied by the Director on application.

(3) The return shall be sent in sufficient time to reach the office of the Director on or before the twentieth day of the month.

(4) The owner, agent or manager shall make the return required by subsection (1) each month, irrespective of whether or not the mine was operated during the preceding month, until the mine is abandoned in accordance with this Act. [1955, c. 35, s. 395]

Annual
return to
Director

396. The owner, agent or manager of each mine shall, on or before the fifteenth day of January in each year, send or cause to be sent to the Director a report showing what safety lamps, explosives and timber were used at the mine during the preceding year and such other information as the Director may demand. [1955, c. 35, s. 396]

Information

397. The owner, agent or manager of a mine shall, at any time when required by the Director, send to the Director such information and facts relating to the mine as may be asked for. [1955, c. 35, s. 397]

Service of
notice or
document

398. (1) A notice or document required by this Act or the regulations to be served on or sent to the Minister or the Director may be

(a) delivered personally, or

(b) sent by prepaid registered letter addressed to him at his office in the Department at Edmonton.

(2) A notice or document required by this Act or the regulations to be served on or sent to a district inspector may be

(a) delivered personally, or

(b) sent by prepaid registered letter addressed to the district inspector at his latest known place of abode.

(3) A notice or document required by this Act or the regulations to be sent by the Minister, an inspector or an electrical inspector may be

(a) served personally upon the person to whom it is to be sent, or

(b) sent by prepaid registered letter to such person at his latest known place of abode. [1955, c. 35, s. 398]

Posting up
of notice of
ownership,
etc.

399. (1) The owner, agent or manager of each mine shall keep posted up in a conspicuous and convenient place at the mine

(a) a notice setting out the name of the owner, agent and manager of the mine, and the name of the district inspector, and

(b) a copy of this Act and the regulations and orders affecting the mine made pursuant to either of them.

(2) If a notice or copy required by subsection (1) to be posted is defaced, obliterated or destroyed it shall be replaced immediately. [1955, c. 35, s. 399]

400. Each book, return, notice, report, form or copy thereof required by this Act or the regulations to be kept, posted or forwarded shall be in a form approved by the Minister. [1955, c. 35, s. 400] Form of book, etc.

Evidence

401. (1) A statement certified by the Director as to whether or not the person named therein is the holder of a certificate in accordance with this Act either at the date of the statement or at a time specified therein is admissible in evidence of the truth of the facts stated therein. Evidence

(2) An extract from or copy of a book, document or plan in the office of the Director, certified by the Director to be a true extract or copy, is admissible in evidence without any further proof in any court as if the book, document or plan had been produced to the court by the Director.

(3) Each statement, extract or copy purporting to be signed by the Director is admissible in evidence without any proof of the signature or of the appointment of the Director. [1955, c. 35, s. 401]

Accident Reports

402. (1) The owner, agent or manager of a mine shall Accident reports
(a) immediately send notice by telegram to the Director and to the district inspector, and

(b) within twenty-four hours send a notice in Form 3 in the Schedule to the Director and to the district inspector,

whenever in or about the mine loss of life occurs to any person, or any personal injury occurs by reason of an explosive or explosion.

(2) The owner, agent or manager of a mine shall within twenty-four hours send a notice in Form 3 in the Schedule to the Director and to the district inspector when in or about the mine

(a) there occurs any serious personal injury, or

(b) there occurs any personal injury caused in whole or in part by the breaking of a hoisting rope.

(3) When an injury of which notice is required under subsections (1) or (2) results in the death of the person

injured, the owner, agent or manager immediately upon learning of the death shall send notice thereof to the Director and to the district inspector.

(4) The owner, agent or manager of a mine shall immediately send notice in writing to the Director and to the district inspector when

- (a) an explosion of gas or coal dust occurs,
- (b) any explosive prematurely explodes,
- (c) any gas is ignited,
- (d) a fire occurs, or
- (e) an accident happens that might reasonably be expected to cause injury to any person.

(5) Where a fatal injury occurs at a mine, the place of the accident shall for at least three days after the sending of the notice in Form 3 in the Schedule or until an inspector visits the place, whichever is the sooner, be left in the same condition as it was at the time of the accident, unless compliance with this provision would tend to increase or continue a danger or would impede the working of the mine.

[1955, c. 35, s. 402]

Injured
person shall
report

403. (1) If a person receiving personal injury in or about a mine is able to do so, he shall before leaving the mine, report the accident to the manager, overman, examiner, outside foreman or foreman.

Entry of
accident
report

(2) Each accident occurring in or about a mine shall be reported in detail in a special book which shall be kept at the mine for that purpose,

- (a) by the examiner in whose district the accident occurred,
- (b) by the outside foreman if the accident occurred on the surface at an underground mine, or
- (c) by the foreman of a strip mine.

[1955, c. 35, s. 403]

Powers of the Lieutenant Governor in Council

Suspension
of hours of
work, etc.

404. The Lieutenant Governor in Council may from time to time

- (a) in the event of great emergency or grave economic disturbance, suspend either in respect of all mines or any class of mines the operation of the provisions of this Act relating to the limiting of hours of work to such extent and for such period as he may order,
- (b) suspend any provision of this Act for such periods and subject to such conditions as may be prescribed

where such suspension is necessary to enable the conduct of experimental operations that may lead to the safer, more effective or more economical operations in coal mines,

- (c) make regulations to provide for any method of conducting a coal mining operation not contemplated in this Act and vary the provisions of this Act to the extent necessary for such method,
- (d) make regulations governing the use of electricity at mines and for this purpose declare a standard code in force at mines or at any class of mines in whole or in part or with such variations as may be specified in the order,
- (e) fix the amount of any fees, charges and allowances for any service in connection with the administration of this Act,
- (f) authorize the payment from the General Revenue Fund of costs, expenses and remuneration of and incidental to the carrying out of the provisions of this Act, or
- (g) make regulations not inconsistent with this Act for the purpose of ensuring that operations in mines will be carried out in such a way as to ensure, as far as possible, the safety of the mine and all persons working therein. [1955, c. 35, s. 407]

405. (1) Each regulation made under the authority of this Act shall be published in *The Alberta Gazette*, and upon publication has the same force and effect as if it had been enacted as part of this Act. Orders and regulations

(2) Each regulation made under the authority of this Act comes into force at the time which may be prescribed in the regulation or, if no such time is prescribed, upon publications in *The Alberta Gazette*. [1955, c. 35, s. 408]

406. All regulations made under the authority of this Act shall be laid before the Legislative Assembly within fifteen days after the opening of the session thereof next after the date of publication in *The Alberta Gazette* of each such regulation. Tabling of regulations [1955, c. 35, s. 409]

Powers of the Minister

407. (1) The Minister may at any time appoint a Investigator mining engineer or other person of scientific or special attainment or practical experience to make

- (a) a special investigation into any mining operations so far as they relate to the safety of life and property, and
- (b) a report thereof to the Minister.

(2) The person so appointed has the same right of entry into the mine and access to plans and records as are conferred upon an inspector or an electrical inspector by this Act.

Report of
investigator

(3) The Minister may cause the report to be made public at such time and in such manner as he thinks fit.

[1955, c. 35, s. 410]

Formal in-
vestigation

408. (1) Where it appears to the Minister to be expedient, he may direct an inspector to hold a formal investigation

(a) of any accident in a mine, or

(b) of any matter connected with the working of a mine.

(2) The Minister may appoint a person or persons possessing legal or special knowledge to act with the inspector in holding the investigation.

(3) The inspector shall make the investigation in such manner and under such conditions as he thinks most effectual.

(4) In addition to his other powers the inspector, for the purpose of the investigation, may

(a) enter and inspect any mine building or place,

(b) require by summons signed by himself the attendance of any person, and require of such person answers or returns to inquiries,

(c) require by summons signed by himself the production of any book, paper or document that he thinks necessary for the investigation, or

(d) administer oaths.

(5) A person attending before an inspector in obedience to such summons shall be allowed such fees as are allowed to a witness before the Supreme Court.

(6) A person who is

(a) served with a summons under this section, and

(b) tendered the proper witness fees,

shall forthwith obey and comply with the terms of the summons.

(7) The inspector shall make a report of the investigation to the Minister.

(8) The Minister may cause the inspector's report to be made public at such time and in such manner as he thinks fit.

(9) The expenses incurred by an investigation under

this section shall be paid out of the General Revenue Fund upon it being so ordered by the Lieutenant Governor in Council. [1955, c. 35, s. 411]

Powers of Inspectors

409. (1) If at any time it appears to the Director from a written report of a district inspector that the method of operation of a mine is such that

Director may order remedy of wasteful operation

(a) the coal is not being recovered economically, and

(b) the coal can be recovered economically by methods of operation that are practical and reasonable,

the Director may, by order in writing, require the owner or operator of the mine within ninety days of the order

(c) to remedy the operation in a manner to ensure the economical recovery of the coal to the extent that it is practical and reasonable to do so, and

(d) to submit to the Director a program of future operation and particulars thereof for his approval.

(2) If, upon the expiration of a period of ninety days, the operation of the mine is not remedied and a program for the future operation is not approved by the Director, the Director may by order prohibit the future operation of the mine or such part thereof as may be specified in the order until the operation has been remedied and a program of future operation has been approved by him.

Director may prohibit operation

(3) If the owner, agent or manager of the mine disputes the reasonableness of an order made by the Director under this section, he may give to the Director written notice of objection to the order and thereupon the dispute shall be settled by arbitration.

Arbitration

(4) Pending the settlement of a dispute by arbitration, the order to which the notice of objection relates is suspended. [1955, c. 35, s. 412]

Suspension of order

410. (1) No equipment, tool or appliance operated otherwise than by hand and no explosive or machinery shall be taken into or used in a mine unless it is of a kind and description approved by the Director.

Approval of equipment

(2) The Director, if he deems fit, may upon application issue a special permit authorizing the installation and use for demonstration or experimental purposes, at such time and subject to such conditions as he may prescribe, any specified equipment, tool, appliance, machinery or explosive that is not of a kind and description that has been approved by him.

Permit to demonstrate equipment

(3) In the conduct of an operation authorized by a permit pursuant to subsection (2), a demonstrator who is not the holder of the certificate required by this Act for a

Demonstrator

person conducting such operation, may conduct the operation if he is accompanied by and is under the direction of a person who is the holder of such a certificate.

(4) While conducting the operation the demonstrator shall obey the directions of the person under whose direction he is. [1955, c.35, s. 413]

Power of
inspector
who finds
danger

411. (1) If, in a case for which this Act does not expressly provide, an inspector or an electrical inspector finds any matter, thing or practice in or connected with a mine to be, in his opinion, so dangerous or defective as to threaten or tend to the injury of any person, he shall forthwith

- (a) give notice in writing thereof to the owner, agent or manager of the mine,
- (b) state in the notice the particulars in which he considers the mine, or any part thereof, or the matter, thing or practice to be dangerous or defective,
- (c) require the same to be remedied, and
- (d) unless it is remedied forthwith and unless he is the Director, report the matter, thing or practice to the Director.

Notice to
withdraw
men

(2) In a notice given under subsection (1) the inspector may direct the men to be withdrawn from the mine, or a part thereof, until the matter, thing or practice is remedied.

(3) Each direction by an inspector for the withdrawal of men under this section shall be obeyed in accordance with written instructions of the inspector.

Objection
to order

(4) If the owner, agent or manager of the mine objects to remedying the matter, thing or practice complained of in the inspector's or electrical inspector's order or direction, he shall within forty-eight hours after receipt of the notice from the inspector or electrical inspector forward his objections and the grounds thereof in writing to the Director.

Arbitration

(5) If the owner, agent or manager and the Director fail to settle the matter in dispute it shall be decided by arbitration. [1955, c. 35, s. 414]

Offences and Penalties

Responsi-
bility of
owner or
manager

412. (1) The owner, agent and manager of each mine shall be responsible for the conducting of all operations, in connection with the mine, in accordance with this Act and the regulations and any orders properly made under either.

(2) In the event of a contravention of this Act, the regulations or such orders by any person whomsoever, the owner, agent and manager of the mine each shall also be deemed to be guilty of the contravention unless the owner, agent or manager, as the case may be, proves that he had taken all

reasonable means by publishing and to the best of his power enforcing this Act, regulations and orders to prevent such contravention.

(3) Notwithstanding the provisions of subsection (2), Defence
the owner or agent shall not be deemed to be guilty of a contravention under that subsection if the owner or agent proves

- (a) that he was not in the habit of taking, and did not in respect of the matter in question take, a part in the management of the mine,
- (b) that he had made all the financial and other provisions necessary to enable the manager to carry out his duties, and
- (c) that the offence was committed without his knowledge, consent or connivance.

(4) Save as hereinbefore provided, it is not a defence in any proceedings brought against an owner or agent of a mine under this section that a manager of a mine had been appointed in accordance with the provisions of this Act.

[1955, c. 35, s. 415]

413. No official of a mine shall be held responsible Liability of official

- (a) for anything done in contravention of his orders, or
- (b) for anything done in contravention of this Act and of which he could not in the ordinary course of his duties have had knowledge or control.

[1955, c. 35, s. 416]

414. A person who contravenes any provision of this Act, the regulations or any order properly made under either of them is guilty of an offence. Offence

[1955, c. 35, s. 417]

415. Each person employed in or about a mine, other than the owner, agent or manager, who is guilty of an act or omission that in the case of an owner, agent or manager would be an offence against this Act shall be deemed to be guilty of an offence against this Act. Employee deemed guilty of offence

[1955, c. 35, s. 418]

416. Each person who knowingly makes a false statement in a report or entry required under this Act to be recorded in a book kept at the mine is liable, on summary conviction, to imprisonment for a term not exceeding one year. Penalty for false statement

[1955, c. 35, s. 419]

417. A person who contravenes any of the provisions of this Act, or of the regulations or of an order made pursuant to this Act shall, unless a penalty is expressly provided by the Act, be liable on summary conviction therefor Penalties

- (a) if such person is an owner, agent or manager
 - (i) for a first offence to a penalty not exceeding two hundred dollars, and in default of payment to imprisonment for a term of not more than sixty days, or
 - (ii) for a second or subsequent offence to a penalty of not less than fifty dollars and not exceeding five hundred dollars, and in default of payment to imprisonment for a term of not more than ninety days,
- or
- (b) if the person is not an owner, agent or manager
 - (i) for a first offence to a penalty not exceeding fifty dollars, and in default of payment to imprisonment for a term of not more than thirty days, or
 - (ii) for a second or subsequent offence to a penalty of not less than ten dollars and not exceeding one hundred dollars, and in default of payment to imprisonment for a term of not more than sixty days,
- and
- (c) in the case of an offence continuing for more than one day to an additional penalty of fifty dollars for each day during which contravention is continued after the first day. [1955, c. 35, s. 420]

Additional
penalty

418. Where a person who is an owner, agent, manager or an employee in or about a mine is guilty of an offence that, in the opinion of the justice of the peace, magistrate or district court judge, as the case may be, who hears and determines the complaint, is one that

- (a) was reasonably calculated
 - (i) to endanger the safety of the persons employed in or about the mine,
 - (ii) to cause personal injury to any such person, or
 - (iii) to cause a dangerous accident,
- and
- (b) was committed wilfully by the personal act, default, or negligence of the guilty person,

that person is liable, if the justice of the peace, magistrate, or district court judge is of the opinion a pecuniary penalty will not meet the circumstances of the case, to imprisonment for a period not exceeding three months.

[1955, c. 35, s. 421]

Penalties
under other
Acts

419. The penalties imposed for a breach of any of the provisions of this Act are in addition to any penalty imposed by any other Act for the same offence or matter.

[1955, c. 35, s. 422]

420. Except in cases where the information or complaint is made by an inspector or an electrical inspector, no justice of the peace other than the district court judge so acting or no magistrate shall, without the consent in writing of the Director,

Consent to
prosecution

- (a) receive any information or complaint respecting an offence under this Act, or
- (b) issue any process whatsoever thereon.

[1955, c. 35, s. 423]

421. A person instituting a prosecution for a contravention of this Act, the regulations or an order pursuant thereto shall report the result of the prosecution to the Director within fifteen days after the hearing of the case.

Report of
prosecution

[1955, c. 35, s. 424]

422. No prosecution for an offence against this Act, the regulations or an order pursuant thereto shall be commenced after the expiration of twelve months from the time when the matter of such prosecution arose.

Limitation

[1955, c. 35, s. 425]

SCHEDULE

FORM 1

(Section 47)

FORM OF CERTIFICATION

I, of
in the Province of Alberta, do hereby certify:

(1) That I am the holder of Alberta Mine Surveyor's Certificate No.

or

That I am an Alberta land surveyor.

or

That I am a Dominion Land Surveyor.

(2) That the plan upon which this certificate is endorsed (or to which this certificate is attached) is correct, and shows thereon all the information required to be shown by *The Coal Mines Regulation Act*, as at the day of, A.D. 19.....

(3) That the said plan was prepared by me (or verified by me).

Dated at in the Province of Alberta,
this day of A.D., 19.....

Surveyor's Signature

[1955, c. 35, Schedule, Form 1]

FORM 2

(Section 146)

CODE OF SIGNALS

<i>Operation</i>	<i>No. of Signals</i>
------------------	---------------------------

DESCENT

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------|---|
| (a) When a person is about to descend, the banksman shall signal to the cager or onsetter and to the hoistman | 3 |
| (b) Before the person enters the cage, the cager or onsetter shall signal to the banksman and hoistman | 3 |
| (c) When the cage at the bottom is clear and ready to ascend, the cager or onsetter shall signal to the banksman and hoistman | 1 |
| (d) When the person is in the cage and ready to descend, the banksman shall signal to the hoistman | 2 |

ASCENT

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------|---|
| (a) When a person is about to ascend, the cager or onsetter shall signal to the banksman and to the hoistman | 3 |
| (b) Before the person enters the cage, the banksman shall signal to the cager or onsetter | 3 |
| (c) When the person is in the cage and ready to ascend, the cager or onsetter shall signal to the banksman and to the hoistman | 1 |
| (d) When the banksman has received the signal from the onsetter or cager, he shall signal to the hoistman | 1 |

FOR HOISTING OTHERWISE THAN WITH PERSONS

- | | |
|----------------------------------|---|
| (a) To raise up | 1 |
| (b) To stop when in motion | 1 |
| (c) To lower down | 2 |
| (d) To raise steadily | 4 |
| (e) To lower steadily | 5 |

FOR SLOPES

- | | |
|----------------------------------------------------------------------------------------------------------------------------|---|
| (a) Before persons entrain, the onsetter shall signal to the hoistman, and the hoistman shall signal to the onsetter | 3 |
|----------------------------------------------------------------------------------------------------------------------------|---|

- (b) When persons are ready to be lowered, the on-setter shall signal to the hoistman 2
- (c) When persons are ready to be hoisted, the on-setter shall signal to the hoistman 1
- (d) To stop when in motion 1
- [1955, c. 35, Schedule, Form 2]

FORM 3

(Section 402)

NOTICE OF EXPLOSION OR ACCIDENT

Name and postal address of owner

Name and number of the mine

Date

To the Director of Mines, Edmonton, Alberta, and to the district inspector (*insert the last known place of abode of such inspector*).

Pursuant to *The Coal Mines Regulation Act*, I give you notice that an explosion (*or accident, as the case may be*), has occurred at this mine, of which the following are the particulars:

Name of person(s) killed

Name of person(s) injured

Occupation

Age

Date of accident

Time of accident

Place of accident

Date of first employment

Nature of injuries

Causes with full description of accident

Other remarks

.....
Owner, Agent or Manager.

[1955, c. 35, Schedule, Form 3]

Supplied by Price
Queen's Printer 80c
Edmonton



GOVERNMENT OF THE PROVINCE OF ALBERTA

THE MINES and MINERALS ACT

being chapter 204 of The Revised Statutes of Alberta, 1955,
with amendments up to and including 1957

OFFICE CONSOLIDATION

DEPARTMENT OF MINES AND MINERALS
(JULY 1958)

NOTE

All persons making use of this consolidation are reminded that it has no legislative sanction; that the amendments have been embodied only for convenience of reference, and that the original Acts should be consulted for all purposes of interpreting and applying the law.

THE MINES AND MINERALS ACT

CHAPTER 204

An Act respecting Mines and Minerals

1. This Act may be cited as "*The Mines and Minerals Act*". Short title
[R.S.A. 1955, c. 204, s. 1]

Interpretation

2. (1) In this Act,
- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (a) "adjoining claims" means those claims that come into contact one with the other at some point on the boundary lines, or that share a common boundary; | Interpretation
"adjoining claims" |
| (b) "agreement" means any lease, licence, reservation, permit or other agreement made or entered into under the provisions of this Act, <i>The Provincial Lands Act</i> or the <i>Dominion Lands Act</i> ; | "agreement" |
| (c) "bituminous sands" means the oil sands and all other mineral substances in association therewith being within townships eighty-four to one hundred and four inclusive in ranges four to eighteen inclusive, west of the fourth meridian and occurring in the McMurray formation, being the stratigraphic formation lying above the upper Devonian carbonate sediments and below the Clearwater formation; | "bituminous sands" |
| (d) "cause" includes any suit or action; | "cause" |
| (e) "certificate of title" means a certificate granted pursuant to <i>The Land Titles Act</i> ; | "certificate of title" |
| (f) "Department" means the Department of Mines and Minerals; | "Department" |
| (g) "Director of Mineral Rights" means the officer of the Department who bears the designation of Director of Mineral Rights, or any officer appointed to perform his duties for the time being; | "Director of Mineral Rights" |
| (h) "Director of Mines" means the officer of the Department who bears the designation of Director of Mines, or any officer appointed to perform his duties for the time being; | "Director of Mines" |
| (i) "disposition" means every instrument executed pursuant to the provisions of this Act, <i>The Provincial Lands Act</i> or the <i>Dominion Lands Act</i> , whereby any estate, right or interest in any mineral is or has been granted to any person or by which the Crown divests or has divested itself in favour of any person of any estate, right or interest in any mineral and, without derogating from the generality of the foregoing, includes all letters patent, transfers, deeds, conveyances, notifications, assurances, sales, leases, licences, permits, reservations, contracts and agreements made, entered into or issued pursuant to any of the said Acts; | "disposition" |

- "ditch" (j) "ditch" includes a flume, pipe or race, or other artificial means for conducting water by its own weight, to be used for mining purposes;
- (k) Repealed (1957, c. 51, s. 2)
- "grant" (l) "grant" means letters patent under the Great Seal of Canada and notification issued pursuant to *The Provincial Lands Act* and this Act;
- "judgment" (m) "judgment" includes "order" or "decree";
- "legal post" (n) "legal post" means a stake or post of any kind that
- (i) is of sound timber of sufficient length so that when firmly planted in the ground in an upright position not less than four feet of the post is above ground, or a tree of suitable size found in position, and made into a post by cutting the tree off not less than four feet from the ground,
 - (ii) is of such diameter that when squared or faced for eighteen inches from the upper end, each face of the squared or faced portion is at least four inches in width across the face for the full eighteen inches, and
 - (iii) has a mound of stones or earth erected around the base of the stake or post, not less than three feet in diameter on the ground and not less than eighteen inches high, cone-shaped and well constructed;
- "lessee" (o) "lessee" means the holder according to the records of the Department of a lease, licence, reservation, permit or other agreement;
- "location" (p) "location" means the tract described in any agreement;
- "location line" (q) "location line" means the straight line between Posts No. 1 and No. 2;
- "manager" (r) "manager" means the person responsible for the control, management and direction of a mine or quarry, or portion of a mine, quarry or works;
- "mine" (s) the noun "mine" includes
- (i) any opening or excavation in, or working of, the ground for the purpose of winning, opening up or proving any mineral or mineral-bearing substance, and
 - (ii) any ore body, mineral deposit, stratum, soil, rock, bed of earth, clay, sand, gravel or cement, or place where mining is or may be carried on, and all ways, works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with the mine, and

- (iii) for the purpose of Parts II and III, any quarry, excavation or opening in the ground made for the purpose of searching for or removal of mineral, soil, rock, quartz, limestone, earth, clay, sand, gravel or cement, and any roastery, smelting furnace, mill, work or place used for or in connection with crushing, reducing, smelting, refining, or treating any of the said substances;
- (t) the verb "mine" and the word "mining" includes "mine"
"and mining"
 - (i) any mode or method of working whereby the soil or earth or any rock, stone or quartz can be disturbed, removed, washed, sifted, roasted, smelted, refined, crushed or dealt with for the purpose of obtaining any mineral therefrom, whether the same has been previously disturbed or not, and
 - (ii) for the purposes of Parts II and III, all operations and workings mentioned in clause (s);
- (u) "mineral" means all naturally occurring minerals, and without derogating from the generality of the foregoing, includes "mineral"
 - (i) gold, silver, uranium, platinum, pitchblende and other minerals from which radium is or can be obtained, precious stones, copper, iron, tin, zinc, asbestos, salt, sulphur, petroleum, oil, asphalt, bituminous sands, natural gas, coal, limestone, granite, slate, shale, marble, sandstone and any other stone that is or that can be quarried or otherwise mined for any purpose, sand, gravel, gypsum, clay, marl and volcanic ash, but
 - (ii) does not include sand and gravel that belong to the owner of the surface of land under *The Sand and Gravel Act*;
- (v) "mineral claim" means any tract staked out and acquired under the provisions of Part II or Part III; "mineral
claim"
- (w) "mining property" means any land in which any vein, lode, rock in place, or any natural stratum or bed of earth, gravel or cement is mined for any mineral, and includes every mineral claim, ditch or water right used for mining purposes, and all other things belonging to a mine or used in the working thereof; "mining
property"
- (x) "Mining Recorder" means an officer of the Department who bears that designation, or an officer appointed to perform any of the duties of the Mining Recorder; "Mining
Recorder"
- (y) "Minister" means the Minister of Mines and Minerals; "Minister"

"notification"	(z) "notification" means the direction in Form A in the Schedule, to the Registrar for the issue of a certificate of title;
"officer"	(aa) "officer" means any person appointed under the provisions of <i>The Public Service Act</i> , in connection with the administration of this Act;
"owner"	(bb) "owner" when used in Part II or Part III of this Act means the holder according to the records of the Department of a mineral claim;
"quarry"	(cc) "quarry" means any open-pit or excavation in the ground made for the purpose of removing any mineral, other than coal, and includes all works, machinery, plant, buildings and premises below or above ground belonging to or used in connection with the quarry;
"record", "register", and "registration"	(dd) "record", "register" and "registration" when used in Part II or Part III of this Act have the same meaning, and mean an entry in some official book kept for that purpose;
"Registrar"	(ee) "Registrar" means a Registrar within the meaning of <i>The Land Titles Act</i> ;
"royalty"	(ff) "royalty" means all royalties, dues, interest, fees, rates, charges, or other moneys payable by any person to the Crown in the right of the Province under and by virtue of any sale, lease, licence, permit or privilege for the right to win and work minerals;
"spacing unit"	(gg) "spacing unit" means a spacing unit within the meaning of <i>The Oil and Gas Conservation Act</i> ;
"township", "section", "half-section", "quarter-section", and "legal subdivision"	(hh) "township", "section", "half-section", "quarter-section" and "legal subdivision", respectively, mean a township, section, half-section, quarter-section or legal subdivision, as the case may be, within the meaning of <i>The Alberta Surveys Act</i> .

(2) Whenever the singular or masculine or neuter is used in any agreement made or entered into under the provisions of this Act, or the regulations hereunder, the same shall be construed as meaning the plural or feminine or a body politic or corporate where the context or the parties thereto so require.

[R.S.A. 1955, c. 204, s. 2; 1957, c. 51, s. 2]

Application of Act

Minerals in
Crown
lands

3. This Act applies to all mines, minerals and generally to other related natural resources vested in or belonging to the Crown in the right of the Province and where the context so permits or requires to all mines, quarries and metallurgical works in the Province. [R.S.A. 1955, c. 204, s. 3]

School
minerals

4. This Act applies to all minerals set apart as an endowment for the purposes of education, which are designated school minerals, and are

- (a) the minerals that were comprised in school lands on the twenty-sixth day of March, 1946, and

- (b) the minerals vested in or belonging to the Crown in the right of the Province in sections eleven and twenty-nine in every township or part thereof as indicated on the plan of survey approved and confirmed by the Director of Surveys after the twenty-sixth day of March, 1946.

[R.S.A. 1955, c. 204, s. 4]

5. (1) Except as otherwise provided, this Act does not apply Coal mines and wells

- (a) to the working and operating of a coal mine or to any working incidental to the extraction of coal by the removal of the overlying strata, or
- (b) to any drilling, production or abandonment operation of a well for which a licence is required by the provisions of *The Oil and Gas Conservation Act*.

(2) If any question arises, otherwise than in legal proceedings, whether a mine is a mine to which this Act, *The Coal Mines Regulation Act*, or *The Oil and Gas Conservation Act* applies, the question shall be referred to the Minister, whose decision thereon is final.

[R.S.A. 1955, c. 204, s. 5; 1957, c. 51, s. 3]

6. Nothing in this Act applies to or affects the disposition by sale, lease, licence or permit, or in any other manner, of the surface of any land under *The Public Lands Act* or under any other Act or regulation or order of the Lieutenant Governor in Council respecting the sale and disposal of the surface of such land. Surface of land

[R.S.A. 1955, c. 204, s. 6]

7. (1) Notwithstanding anything contained in any lease, licence, permit, reservation, mineral claim or other agreement relating to minerals, whether made under the provisions of this Act or the *Dominion Lands Act* or *The Provincial Lands Act* and the regulations made under the said Acts, every such lease, licence, permit, reservation, mineral claim or other agreement and any renewal or re-issue thereof is in every respect subject to the provisions of this Act and of any regulation made from time to time or at any time under the authority of this Act. Crown minerals

(2) Every such provision is as binding upon the lessee, licensee, permittee or other party as though the said provision had been contained in his lease, licence, permit, reservation, mineral claim or other agreement.

[R.S.A. 1955, c. 204, s. 7]

Division of Act

8. For convenience of reference only, this Act is divided into Parts and classified under the following headings: Division of Act

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[R.S.A. 1955, c. 204, s. 8; 1957, c. 51, s. 4]

PART I

ADMINISTRATION OF MINERALS

Jurisdiction of Department

9. The Department of Mines and Minerals shall have jurisdiction over and shall control and administer all matters anyway connected with the application of this Act and, without restricting the generality of the foregoing, shall control and regulate, receive and administer, or invoke and enforce, as the case may be,

Jurisdiction
of Depart-
ment

- (a) all the rights, properties, interests, claims and demands of the Province in mines and minerals and their uses and dispositions for development,
- (b) all revenues and moneys of the Province arising from mines and minerals,
- (c) rules and regulations relating to operation of mines, including working conditions and any other matter incidental to the extraction of minerals,
- (d) conservation of sub-surface natural resources,
- (e) prevention of fires and explosions,
- (f) disposition of sub-surface natural resources held by the Crown by notification, sale, exchange, lease, licence, permit, reservation or other agreement,
- (g) extraction, classifying, measuring, manufacturing or processing of the raw or manufactured products or by-products of sub-surface natural resources,
- (h) statutes, rules and regulations relating to the protection, management and administration of the natural resources covered by this Act,
- (i) the exploration of the mineral resources and development of any mining property,
- (j) geophysical operations including air-borne magnetic surveys and geological explorations by
 - (i) prohibiting any person from commencing or undertaking any geophysical operations or any examination of the subsurface geology in the Province unless he is licensed so to do by the Minister,
 - (ii) prescribing the nature and extent of the licence and the terms upon which it shall be issued, and
 - (iii) prescribing the fees to be charged and cash bonds required upon the granting of the licence,
- and
- (k) disposition of any mineral vested in the name of the Minister of Municipal Affairs, or vested in the name of a municipality and passed to the control of the Minister of Municipal Affairs.

[R.S.A. 1955, c. 204, s. 9]

Officers

Officers

10. (1) Subject to the provisions of *The Public Service Act*, the Lieutenant Governor in Council may appoint a Director of Mineral Rights, a Provincial Geologist, a Provincial Assayer, inspectors, mining recorders and such other officers and agents as he may deem necessary, who shall perform such duties as may be assigned to them.

(2) The Provincial Geologist is *ex officio* an inspector.
[R.S.A. 1955, c. 204, s. 10]

11. Notwithstanding anything in *The Public Service Act*, the Minister may employ any person for any specialized service or to investigate the mineral resources of Alberta or for any work in connection with this Act and may, out of any money appropriated by the Legislature for that purpose, pay him for such services at such rate as may be agreed upon.

[R.S.A. 1955, c. 204, s. 11]

Powers and Duties of Minister

12. The Minister may from time to time prescribe such forms to be used under this Act as he deems necessary in connection with its administration, or he may adopt or cause to be adopted any other form that he considers applicable to any special case.

Forms

[R.S.A. 1955, c. 204, s. 12]

13. All agreements issued or made pursuant to the provisions of this Act may be executed on behalf of the Crown by the Minister or the Deputy Minister, or by any other officer of the Department authorized in writing for the purpose by the Minister.

Execution of agreements

[R.S.A. 1955, c. 204, s. 13]

14. The Minister shall annually lay before the Legislative Assembly, within fifteen days after the opening of the first session in each year,

Annual report

(a) a report of the proceedings, transactions and affairs of the Department during the fiscal year next preceding, and

(b) a copy of every regulation and order made by the Lieutenant Governor in Council under the authority of this Act.

[R.S.A. 1955, c. 204, s. 14]

15. The Minister may refuse or withhold the issue of a lease or a renewal thereof, and may cancel a lease issued in error and, in his discretion, may refund moneys paid in connection therewith.

Refusal or cancellation of lease

[R.S.A. 1955, c. 204, s. 15]

16. The Minister may restrict the disposition of any specific mineral in any particular district in any manner he may consider warranted.

Restriction of disposition

[R.S.A. 1955, c. 204, s. 16]

17. Any decision of an officer of the Department made under any of the provisions of this Act shall be subject to an appeal to the Minister.

Appeal

[R.S.A. 1955, c. 204, s. 17]

18. (1) Whenever it is deemed necessary in the opinion of the Minister for the proper carrying out of any of the provisions of this Act relating to the commencement of work, operating and working or abandonment of any mineral claim or location, he may at any time by notice in writing require any owner, lessee or operator to furnish cash security in such amount as he may prescribe, and such security shall be retained until the work is completed to the satisfaction of the Minister.

Cash security

(2) Upon failure by such owner, lessee or operator to comply fully with the requirements of the Minister within the time prescribed and as set forth in the notice, the Minister may use the cash security or such portion thereof as may be necessary to carry out such requirements.

[R.S.A. 1955, c. 204, s. 18]

Powers of Lieutenant Governor in Council

Powers
of the
Lieutenant
Governor in
Council

19. (1) The Lieutenant Governor in Council may from time to time

- (a) exchange any minerals for other minerals in the Province, with any person or corporation, if the reason for the exchange is set forth in the order,
- (b) authorize the Minister to enter into an agreement applicable to any special case for which no provision is made by this Act,
- (c) make regulations,
 - (i) in relation to the exploration of the mineral resources,
 - (ii) respecting development of any mining property to which this Act applies,
 - (iii) relating to the operation of mines, including working conditions and any other matter incidental to the extraction of minerals, and
 - (iv) for the leasing or other disposal of any minerals for which no provision is made by this Act,
- (d) withdraw any mineral from disposition either indefinitely or for such period as may be specified in the order or until the order is cancelled,
- (e) provide that any statement or return required by this Act or by any regulations made under it be verified on oath,
- (f) divide the Province into districts and prescribe the time when and the conditions upon which the mineral in any district or any part thereof will be made available for disposition,
- (g) establish a tariff of fees
 - (i) pertaining to any lease, licence, reservation, permit, mineral claim, application, renewal or other agreement,
 - (ii) Repealed. (1957, c. 51, s. 5)
 - (iii) for the filing and discharge of mechanics' liens,
 - (iv) for all copies of maps, plans, field notes, documents, papers or other records of the Department, and
 - (v) Repealed. (1957, c. 51, s. 5)

- (h) reinstate upon such terms and conditions as may be prescribed, any lease or any portion of a location described in any lease, that has been relinquished, cancelled or forfeited, if application for reinstatement is made within three months of the date of relinquishment, cancellation or forfeiture.
 - (i) make such regulations and orders, not inconsistent with this Act, as are necessary to carry out the provisions of this Act according to their true intent or to carry out the agreement of transfer, or to meet cases that may arise and for which no provision is made by this Act,
 - (j) authorize the Minister to enter into any agreement or agreements with Her Majesty in the right of Canada transferring to Canada for National Park purposes all the right, title and interest of Her Majesty in the right of the Province to any mines and minerals, and
 - (k) notwithstanding section 4, exchange any school minerals for other minerals in the Province with any person or corporation, if the reason for the exchange is set forth in the order.
- (2) Where a mineral is withdrawn from disposition pursuant to clause (d) of subsection (1), no person, during the continuance of the order, has the right to acquire such mineral in, upon or under the lands specified in the order, or to exercise in relation to such mineral any of the rights conferred by this Act.

(3) Where school minerals are exchanged for other minerals pursuant to clause (k) of subsection (1), the school minerals so exchanged are no longer school minerals and the other minerals become school minerals.

[R.S.A. 1955, c. 204, s. 19; 1957, c. 51, s. 5]

20. Regulations and orders made by the Lieutenant Governor in Council pursuant to this Act shall be published in *The Alberta Gazette* and thereupon have the same force and effect as if they had been enacted by this Act.

[R.S.A. 1955, c. 204, s. 20]

Duties of Mining Recorder

21. Every Mining Recorder shall keep the books prescribed by the Minister to be used for the recording of applications, mineral claims, entries and locations of mineral rights granted by this Act, and an extract of such applications, mineral claims and entries shall be filed with the Deputy Minister at such times as he may prescribe.

[R.S.A. 1955, c. 204, s. 21]

22. Every entry made in any of the Mining Recorder's books shall show the date upon which the entry is made, and

such books of records as are authorized by the Minister shall, during office hours, be open to public inspection upon payment of a fee in connection with each search.

[R.S.A. 1955, c. 204, s. 22]

Remission
of fees

23. The Mining Recorder shall obtain the moneys directed to be paid to him before he makes any entry in any record book and shall remit such moneys as he may be directed by the Minister to remit.

[R.S.A. 1955, c. 204, s. 23]

Disposition of Minerals

Sale of
minerals

24. (1) No mineral belonging to the Crown in the right of the Province, together with the right to win, work and get the same, shall be sold unless the sale is specifically authorized by the provisions of an Act of the Province.

Title to
minerals

(2) When any person becomes entitled to receive a title in fee simple to any minerals to which this Act applies and for which no certificate of title is registered in the land titles office, a notification in Form A in the Schedule shall be issued, which shall be

(a) signed by the Minister or by the Deputy Minister or the person for the time being acting as Deputy Minister or by any other officer of the Department authorized for the purpose by the Minister in writing,

(b) countersigned by the Director of Mineral Rights or any person acting as Director in his absence, and

(c) forwarded to the Registrar for the district in which the minerals are situate.

(3) Before issue of the notification the person entitled to receive the notification shall pay to the Minister the prescribed fee payable under *The Land Titles Act*.

(4) The Minister shall forward the fee paid together with the notification to the Registrar of Land Titles for the district in which the minerals are situate.

(5) When a notification issues to or in the name of a person who is dead, the notification is not void for that reason but the title to the minerals thereby granted or intended to be granted, vests in the heirs, assigns, devisees or other legal representatives of the deceased person according to the laws in force in the Province as if the notification had issued to or in the name of the deceased person during his lifetime.

(6) When a notification has issued to or in the name of a wrong person or contains any clerical error, misnomer, or wrong or defective description of the minerals thereby intended to be granted, or when there is in it an omission of the conditions of the grant or certificate, the Minister, if there is no adverse claim, may direct the defective notification to be cancelled and a correct notification to be issued instead.

(7) The correct notification shall relate back to the date of the notification cancelled and has the same force and effect as if issued at the date of the cancelled notification.

(8) Where a certificate of title has not been issued by the Registrar for any minerals vested in or belonging to the Crown in the right of the Province, the Minister may issue a notification in Form A in the Schedule in favour of Her Majesty in the right of the Province as represented by the Minister.

(9) When a notification is issued under subsection (8) it shall be forwarded to the Registrar for the district in which the minerals are situate, and on receipt of the notification the Registrar shall, without fee, forthwith issue a certificate of title.

[R.S.A. 1955, c. 204, s. 24; 1957, c. 51, s. 6]

25. (1) Where by letters patent

Letters
patent

(a) the surface of land and a mineral or minerals in the land were granted, and

(b) an area or strip of land was excepted or reserved for a road, roadway or trail,

the letters patent shall be deemed for all purposes to have conveyed such mineral or minerals underlying the road, roadway or trail.

(2) Subsection (1) does not apply to a mineral or minerals granted by other letters patent before the first day of October, 1930, or by notification before the first day of May, 1951, whether before or after the letters patent referred to in subsection (1).

(3) Where, under subsection (1), doubt arises as to whether an exception or reservation of an area or strip of land was for a road, roadway or trail, the Minister shall rule thereon and his ruling when delivered in writing to the Registrar is final.

[R.S.A. 1955, c. 204, s. 25]

26. (1) Where land that included any minerals was transferred to or expropriated by the Crown and the land was used or intended to be used for a road diversion or roadway or for the purposes of obtaining gravel, the Minister, upon application to him for the acquisition of the minerals or any of them, may in his discretion grant the application on payment of such sum as he may determine.

Minerals
underlying
roadway

(2) When an application is granted pursuant to subsection (1), the applicant becomes entitled to receive a title in fee simple to the mineral or minerals that the application is granted for.

[R.S.A. 1955, c. 204, s. 26]

27. No person has any right to enter, locate and prospect for minerals or stake out a mining claim upon any land owned or occupied by any other person unless he has the written consent of the owner, or his agent, or of the occupant of the land.

Right of
entry to
prospect

[R.S.A. 1955, c. 204, s. 27]

Right to
work
through
other
minerals

28. Notwithstanding section 5, any person who has the right to any mineral or the right to work the same may work through any other mineral in the same tract to the extent necessary to obtain his mineral, without permission from or compensation to any other person for the right to work through the other mineral, subject, however, to the provisions of this Act, *The Coal Mines Regulation Act*, *The Oil and Gas Conservation Act*, and *The Quarries Regulation Act*.
[R.S.A. 1955, c. 204, s. 28; 1957, c. 51, s. 7]

Right to
work
through
minerals
outside of
tract

29. Notwithstanding section 5, any person who has the right to any mineral or the right to work the same in a tract and who has obtained a licence from the Minister, under *The Oil and Gas Conservation Act*, to drill a well for the removal of the mineral may, if the orifice of the well will be located outside of the tract, work through all minerals outside of the tract to the extent necessary to obtain his mineral for the removal of which the licence was granted, without permission from or compensation to any other person for the right to work through the minerals outside of the tract, subject, however, to the provisions of this Act and *The Oil and Gas Conservation Act*.
[R.S.A. 1955, c. 204, s. 29; 1957, c. 51, s. 8]

Conduct of
operations

30. An applicant for a lease has no right to conduct operations on the location applied for until a lease in his favour has been issued or unless otherwise notified in writing by the Director of Mineral Rights.

[R.S.A. 1955, c. 204, s. 30]

Priority of
agreements

31. If in consequence of any error in survey or other error or cause whatsoever an agreement is found to cover any mineral included in any grant, sale, lease, licence, permit or other document of prior date, the latter agreement is void in so far as it interferes with any previous grant, sale, lease, licence, permit or other agreement.

[R.S.A. 1955, c. 204, s. 31]

Sub-
stitutional
agreement

32. Upon the registration of a transfer of a portion of a location there shall be issued to the transferee a substitutional agreement with respect to the portion of the location transferred and the agreement from which the portion of the location has been transferred shall be amended accordingly.

[R.S.A. 1955, c. 204, s. 32; 1957, c. 51, s. 9]

Implied
reservations

33. There shall be implied in every disposition of minerals pursuant to this Act any and all reservations that are required to be made upon the disposition of any minerals belonging to the Crown in the right of the Province.

[R.S.A. 1955, c. 204, s. 33]

Royalty

34. (1) A royalty is reserved to Her Majesty on the mineral that may be won, worked, recovered or obtained pursuant to any agreement or mineral claim made under this Act.

(2) The royalty to be computed, levied and collected on the mineral won, worked, recovered or obtained pursuant to any agreement or mineral claim made under this Act or *The Provincial Lands Act* shall be the royalty prescribed from time to time by the Lieutenant Governor in Council.

(3) Where the payment of a royalty has been reserved to the Crown in the right of Canada in any patent, agreement for sale, lease or other agreement that conveys a mineral or the right to win, work, recover or obtain the same, there is payable to Her Majesty in the right of the Province, and there shall be computed, levied and collected,

(a) the royalty prescribed from time to time by the Lieutenant Governor in Council in accordance with the terms of the agreement between the Province and Canada referred to in the Schedule of *The Alberta Natural Resources Act*, being chapter 21 of the Statutes of Alberta, 1930, or

(b) the royalty at the rate in effect immediately prior to the coming into force of the agreement between the Province and Canada referred to in clause (a).

(4) The royalty is payable on any mineral when and where obtained, recovered or produced.

(5) When fixing the royalty on any mineral, including any liquid hydrocarbon other than crude oil, the Lieutenant Governor in Council may give consideration to the costs incurred in recovering or processing the mineral or liquid hydrocarbon and for the purpose of ascertaining the actual costs may refer the question to the Board of Public Utility Commissioners.

(6) For the purpose of this section "mineral", in addition to the meaning set out in clause (u) of subsection (1) of section 2, includes any hydrocarbon obtained by mining, separation, absorption or polymerization, or as a result of some operation or work, labour, study or skill, or through chemical reaction, or by means of any other process or reaction. "Mineral" further defined

[R.S.A. 1955, c. 204, s. 34]

35. (1) Notwithstanding section 5, where mining has been carried on or excavations made in or upon any lands, if the work has ceased, no person shall remove or cause or permit to be removed from the land occupied in connection with the mining operations, any machinery, tools, plant, building, erections or fixtures without the written authority of the Minister first had and obtained. Removal of machinery, etc.

(2) When applying for such authority from the Minister, the applicant shall satisfy the Minister that all excavations on the lands have been filled or covered over in such a manner that the land is safe to travel over and that the removal, for which authority is asked, will not impair any of the supports, timbers or frameworks in such a manner as might cause the mine to fall, cave in or give way.

(3) A person contravening the provisions of subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than five hundred dollars nor more than two thousand dollars. [R.S.A. 1955, c. 204, s. 35]

Lien for Rental or Royalty

Enforcement
of lien

36. (1) Where, under the provisions of this Act, *The Provincial Lands Act* or the *Dominion Lands Act*, the right to any minerals has been granted by lease, licence, permit, sale or any other disposition and, pursuant to any such Act or the regulations thereunder, there is reserved by such disposition or otherwise to the Crown any rental or royalty with respect to any such minerals, the Crown in the right of the Province, has from the time when any such rental or royalty becomes due and owing a lien or charge upon

- (a) the interest of the grantee in the minerals granted by any such lease, licence, permit, sale or other disposition, and
- (b) all the buildings, tipples, structures, machinery, chattels, tools or equipment of every kind or description upon or under the surface of the lands described in any such lease, licence, permit, sale or other disposition and used in connection with the winning or recovery of any minerals, or in the search for any minerals,

irrespective of who may be the owner of same, for the amount of such rental and royalty and any interest or penalty added thereto pursuant to the provisions of such Act or regulations.

(2) The lien or charge is a first lien or charge upon all the property described in subsection (1) and has priority over all mortgages, bills of sale, charges and liens of every description, irrespective of whether such other charges were created before or after such liens or charges became effective or before or after the passing of this Act and notwithstanding the provisions of any other Act heretofore or hereafter passed.

(3) So long as the lien or charge created by subsection (1) continues, no person shall remove or authorize or assist in the removal of any property that is subject to the said lien or charge from the premises where it is situate until he pays to the Minister all amounts owing under the said lien or charge.

(4) A person contravening the provisions of subsection (3) is guilty of an offence and liable on summary conviction before a magistrate to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

(5) Before any machinery, chattels, tools or equipment are placed upon a location, the Minister may agree in writing that the lien or charge created by subsection (1) is not to arise in respect thereof or of any portion thereof.

(6) After any machinery, chattels, tools or equipment have been placed upon a location, the Minister may in writing authorize the removal thereof or any portion thereof, and thereupon the lien or charge upon the same absolutely ceases and determines.

(7) Any person purchasing or otherwise acquiring any of the property described in subsection (1) takes the same subject to any lien or charge then existing against it and arising under the provisions of subsection (1) and shall be deemed to be indebted to the Crown in the right of the Province in a sum equal to the rentals or royalties, including interest and penalties thereon, owing to the Crown with respect to the said property or any part thereof.

(8) Any rentals or royalties with interest and penalties thereon imposed pursuant to any of the said Acts or the regulations and unpaid may be recovered in any court of competent jurisdiction by action in the name of the Minister against the person primarily liable therefor or against a purchaser of the property described in subsection (1).

(9) Whenever any lien or charge is created by subsection (1) and it appears

(a) that default has been made by an employer in the payment of assessments pursuant to the provisions of *The Workmen's Compensation Act*, and

(b) that the Workmen's Compensation Board has a lien on property of the employer to which the lien created by subsection (1) attaches,

the Minister may ascertain the amount of the assessments in default, and that amount may be added to the amount due to the Crown and secured by the lien or charge, and is recoverable as provided by this Act.

(10) Any moneys so recovered shall be applied firstly toward the payment of royalties and then *pro rata* on the claim of the Workmen's Compensation Board, and the other claims of the Crown secured by the lien until the same are paid in full, the balance, if any, to be distributed by the Minister to the persons entitled thereto.

(11) In addition to any other remedy herein provided, the Minister may proceed in accordance with the provisions of section 37 in so far as the same refers to rents, royalties, interest and penalties payable in respect of any mines and minerals and, if a bid amounting to the sums due as aforesaid is not made at the auction, the property may be disposed of at a private sale.

[R.S.A. 1955, c. 204, s. 36]

Seizures

37. (1) Notwithstanding anything to the contrary in *The Seizures Act* or any other Act, where any default is made in the due payment of any rent or any money payable by way of rent or on account of royalty, or on account of any purchase price, and payable to the Crown in the right of the Province under and by virtue of any lease, licence, permit, agreement of sale or other disposition made, entered into or

Seizures in case of default of payment of rent, royalty, etc.

issued pursuant to any of the provisions of this Act, *The Provincial Lands Act* or any Act of the Parliament of Canada, then, and in every such case and whether the same is demanded or not, the Crown has the right to levy the same by distress,

- (a) in case the sum for which distress is levied is for rent and royalty, or either of them, payable in respect of any mines and minerals, upon all or any of the goods and chattels that are then found in, on or about any property used or occupied for the purpose of the operation of any mine, or the mining and getting of any minerals, as the case may be, notwithstanding that the same may be subject to any mortgage, lien or other encumbrance, if the mine or minerals are held under any lease, licence, permit, agreement of sale or other disposition from the Crown, by the person liable for the payment of the sum for which the distress is made or by any other person claiming by, through or under him, and
- (b) in all other cases, upon all or any of the goods and chattels that are then found upon any land whatsoever and that is for the time being owned by or in the occupation of or under the control of the person for the time being liable for the payment of the rent or purchase price in respect of which the distress is levied, notwithstanding that the same may be subject to any mortgage, lien or other encumbrance.

(2) For the purpose of levying any distress under this section, the Minister may, for and on behalf of the Crown, issue a distress warrant under his hand, addressed to the sheriff of the judicial district within which is situate the premises upon which the distress is to be made, and directing him to levy by distress the sum mentioned therein upon the goods and chattels found upon the premises specified therein, and upon receipt of any such warrant the sheriff shall execute it by the seizure and, unless he is sooner paid, by the sale of the goods and chattels seized, and every such seizure and sale is subject to the provisions of *The Seizures Act*.

(3) The forfeiture, cancellation or surrender of a lease, licence, permit, agreement of sale or other disposition does not debar or nullify any proceedings taken under this section, whether before or after the occurrence of the forfeiture, seizure or cancellation, and all proceedings taken shall be continued as if the lease, licence, permit, agreement of sale or other disposition were in force and effect.

[R.S.A. 1955, c. 204, s. 37]

Report as
to mining
property
subject to
forfeiture

38. (1) When any mining property comprising minerals or improvements becomes subject to forfeiture under section 42 the Minister shall require an officer of the Department to make a report in writing regarding the mining property and the nature and extent of the minerals recovered and the improvements made.

(2) Upon the receipt of any such report and upon being satisfied thereby that the property is liable to confiscation to the Crown, the Minister may by writing declare the property confiscated, and thereupon the property becomes the property of the Crown and all rights of property existing therein immediately before the making of the order cease and determine.

(3) The Minister may cause the property to be sold in such manner and subject to such terms and conditions as he may prescribe or he shall order the return of the property to the person in whose possession it was at the time of seizure.
[R.S.A. 1955, c. 204, s. 38]

Evidence

39. Copies or photostatic copies of any records, documents, plans, books or papers belonging to or deposited in the Department and attested under the signature of the Minister, Director of Mines, Director of Mineral Rights, or any chief clerk or officer thereunto authorized by the Minister, and of plans or documents in any office of a Mining Recorder, and attested as aforesaid or under the signature of the officer in charge of the office, are competent evidence in all cases in which the original documents, books, plans or papers would be evidence.
[R.S.A. 1955, c. 204, s. 39]

Evidence

40. Lithographed or other copies of maps or plans purporting to be issued or published by the Department, or the Government of Canada, shall be received in evidence in all courts and proceedings as *prima facie* proof of the originals, and of the contents thereof.
[R.S.A. 1955, c. 204, s. 40]

Copies of maps

41. All affidavits, oaths, statutory declarations or solemn affirmations required to be taken or made under this Act, except as herein otherwise provided, may be taken before the judge or clerk of any court, or any justice of the peace, or any commissioner for oaths, or any notary public, or any Mining Recorder, or any person specially authorized by this Act or by the Lieutenant Governor in Council or by the Minister to take or receive the same.
[R.S.A. 1955, c. 204, s. 41]

Affidavits and oaths

Summary Proceedings Respecting Forfeiture and Trespass

42. (1) The winning, working or getting, without an agreement or mineral claim, of minerals that are the property of the Crown, gives to the person winning, working or getting such minerals no right thereto and such person may be ejected as a trespasser and any minerals recovered and improvements made by him are thereupon forfeited to the Crown.

Trespassing

(2) The Minister may, by notice in writing, require any person who is for the time being winning, working or getting such minerals otherwise than pursuant to an agreement or mineral claim to cease his operations forthwith.

(3) A person who does not comply with the notice forthwith upon the service thereof upon him is guilty of an

offence and liable on summary conviction to a fine of not more than one hundred dollars and in default of payment to imprisonment for a term of not more than sixty days.

[R.S.A. 1955, c. 204, s. 42]

Miscellaneous

Interest on
arrears

43. When any money payable under any agreement, mineral claim, lease, licence, permit or other disposition is not paid within one month from the date on which it became due, interest shall be charged at the rate of five per cent per annum from the due date. [R.S.A. 1955, c. 204, s. 43]

Execution of
agreements

44. For the purposes of this Act, any agreement that is made pursuant to any of the provisions of this Act and whereby any person enters into any obligation with the Crown shall, in the case of a body corporate, be deemed to be sufficiently executed if sealed with the corporate seal of the body corporate and countersigned by one officer or two directors of the corporation, notwithstanding anything to the contrary contained in any statute, charter of incorporation, memorandum of association or articles of association.

[R.S.A. 1955, c. 204, s. 44]

Acceptance
of rent

45. Notwithstanding the terms or provisions of any lease, licence, permit or other agreement now subsisting and made by the Province or by the Government of Canada or that may be granted pursuant to the terms of this Act, the demand or acceptance of rent or royalty in respect of any lease, licence, permit or other agreement shall not be deemed a waiver of the right of the Minister to enforce the observance of any covenant or condition therein or of any regulation or of the right to cancel the lease, licence, permit or other agreement for breach of any covenant, condition or regulation committed before or after the making of the demand or after the acceptance of the rent or royalty.

[R.S.A. 1955, c. 204, s. 45]

Right of
access

46. (1) The Minister or anyone authorized by him may, at any time enter upon any location or mineral claim and have access to any mine, works, well, record, plant, building and equipment, and the lessee of the location, his representative or operator, or the owner of the mineral claim, his representative or operator, shall render the Minister or person authorized such assistance as may be necessary or essential.

(2) In the performance of any investigation or inspection, a person authorized by the Minister may at any time enter upon any lands in the Province, irrespective of who may own or occupy the lands or into any plant for the recovery, processing or treating of any mineral and the person at the time in charge of the plant or any process carried on at the plant shall render the person authorized such assistance and supply him with such information regarding the plant, its products or the mineral recovered, processed or treated, as may be requested.

[R.S.A. 1955, c. 204, s. 46]

47. (1) Notwithstanding section 5, if the Minister has reason to believe that operations on any location or mineral claim are not being conducted in strict conformity with the provisions of this Act, or that such operations are being so conducted as to expose others to the risk of damage or loss, he may authorize a mining inspector, or other person named by him, to enter the mine, works, plant, buildings and structures and to remain for such period or periods as the Minister may deem necessary, for the purpose of enforcing compliance with such provisions and remedying existing defaults.

Right of
entry to
remedy
defaults

(2) The Minister may charge and may collect from the lessee of the location, or the recorded owner of the mineral claim, the expenses incurred in connection with the supervision so authorized by the Minister.

(3) Failure on the part of the lessee of the location or the recorded owner of the mineral claim to make payment in full of the expenses so incurred renders the agreement or mineral claim subject to immediate cancellation, in the discretion of the Minister, at the expiration of a period of thirty days after the date upon which notice of such indebtedness was sent to the last known place of address of the lessee or recorded owner.

[R.S.A. 1955, c. 204, s. 47]

48. (1) In determining the size of a location or a mineral claim all measurements shall be taken horizontally, irrespective of the inequalities of the surface of the ground, and the boundaries beneath the surface shall be the vertical planes or lines in which the surface boundaries lie.

Size of
location
or claim

(2) In calculating distances in surveyed territory, the widths of statutory road allowances are not to be considered unless expressly included in the agreement.

(3) In unsurveyed territory the acreage of a lease shall include that covered by what would be statutory road allowances if the lands were surveyed under *The Alberta Surveys Act*, and the prescribed maximum acreages and dimensions may be increased by an extent not greater than that covered by what would be statutory road allowances.

[R.S.A. 1955, c. 204, s. 48]

49. (1) A company shall not acquire an agreement in whole or in part by application or transfer unless the company is

Agreement

(a) registered under the provisions of *The Companies Act* of the Province,

(b) incorporated by an Act of the Province and approved by the Minister as a company that may acquire an agreement,

(c) incorporated under *The Bank Act* (Canada),

- (d) a railway company incorporated under an Act of Canada, or
- (e) an insurance company licensed under *The Alberta Insurance Act*.

(2) No partnership, syndicate or other unincorporated group shall acquire an agreement in whole or in part by application or transfer, in the name of the partnership, syndicate, or other unincorporated group.

[R.S.A. 1955, c. 204, s. 49; 1957, c. 51, s. 10]

Minors

50. No person under the age of twenty-one years shall acquire an agreement by application or transfer.

[R.S.A. 1955, c. 204, s. 50; 1957, c. 51, s. 11]

Delegation
of powers
and duties

51. In the absence of the Deputy Minister of Mines and Minerals or the Director of Mineral Rights, all the powers, duties, rights and capacities that are by this Act vested in or conferred or imposed upon such officials are vested in, conferred and imposed upon any other person appointed or authorized by the Minister to carry on such powers, duties, rights and capacities as if such person had been named herein.

[R.S.A. 1955, c. 204, s. 51]

Inspection
of records

52. The Department of Lands and Forests and the officers, clerks, and servants of the Department of Lands and Forests shall render such services to the Department of Mines and Minerals as may be required of them from time to time and all maps, books, papers, correspondence, records or other matters or things in the Department of Lands and Forests shall be open to and may be examined by the Minister or the officers and clerks of the Department of Mines and Minerals in the discharge of their departmental duties.

[R.S.A. 1955, c. 204, s. 52]

Clearing of
combustible
material

53. The lessee of a location or the owner of a mineral claim shall cause to be cleared of combustible material such area around any mine, well or other works constructed or operated by him as may be required by the Director of Mineral Rights and, where necessary and practicable, the lessee or owner shall construct and maintain a ploughed fire guard around such area.

[R.S.A. 1955, c. 204, s. 53]

Fire fighting
equipment

54. (1) The machinery and equipment that the lessee installs on a location or the owner installs on a mineral claim shall include suitable fire fighting equipment, which shall be maintained in a state of efficiency for immediate use in the event of fire.

(2) Every engine operated by steam power and used on a location or mineral claim shall be provided with and have in use approved and efficient appliances to prevent the

escape of fire from the furnace or ash pan or from the smoke stack of such engine, including a spark-arrester in connection with the smoke stack and such appliances shall be kept properly fitted and in a proper state of repair.

(3) Every engineer in charge of any such engine shall use all the necessary means and appliances to prevent the escape of fire.
[R.S.A. 1955, c. 204, s. 54]

55. The interest of any person other than the Crown in any mineral that is the property of the Crown is liable to assessment and taxation but it is not subject to the provisions of any statute relating to the recovery of taxes.

Interest in
Crown
minerals
taxable

[R.S.A. 1955, c. 204, s. 55]

56. The lessee of a location or the owner of a mineral claim shall pay and discharge all rates, assessments and taxes now charged or hereafter to be charged upon the location or mineral claim.

Payment
of rates
and taxes

[R.S.A. 1955, c. 204, s. 56]

57. (1) The Director of Mines may summarily order any mining work to be carried on so as not to interfere with or endanger the safety of the public or any employee engaged in the mining work, or any public work or highway, or any mining property, mineral claim, drain or flume.

Safety of
the public

(2) The Director of Mines may order any person either to fill up or to guard any abandoned mine or works in such manner as the Director deems proper.

[R.S.A. 1955, c. 204, s. 57]

58. (1) All moneys realized from school minerals after deducting the cost of management shall be paid annually into the General Revenue Fund toward the support of schools organized and carried on in accordance with the law of the Province.

Money
realized
from school
minerals

(2) The moneys so paid shall be distributed for that purpose by the Government in such manner as it deems expedient.

[R.S.A. 1955, c. 204, s. 58]

59. Every person who is guilty of an offence against this Act for which no penalty is prescribed is liable on summary conviction to a fine not exceeding five hundred dollars, and in default of payment to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

General
penalty

[R.S.A. 1955, c. 204, s. 59]

60. If, before or at the time of a public sale of the right to an agreement, any person, by intimidation, combination or unfair management, hinders or prevents, or attempts to hinder or prevent, any person from bidding upon or purchas-

Intimidation
of purchaser
at public
sale

ing the rights offered for sale, the offender and his aiders and abettors are for every such offence guilty of an offence and liable on summary conviction to a fine not exceeding four hundred dollars, and in default of payment, to imprisonment for a term not exceeding two years.

[R.S.A. 1955, c. 204, s. 60]

PART II

QUARTZ MINING

Interpretation

Interpreta-
tion

"entry"

61. In this Part,

(a) "entry" means the record of a mineral claim in the books of the Mining Recorder and includes the certificate of record that may be issued for such claim;

"fractional
claim"

(b) "fractional claim" means any mineral claim of less than the full size;

"full claim"

(c) "full claim" means any mineral claim of full size and located pursuant to the provisions of section 64;

"holder"

(d) "holder" means the holder of a mineral claim according to the records of the Department.

[R.S.A. 1955, c. 204, s. 61]

Application of Part

Application
of Part

62. (1) This Part applies to deposits of gold, silver and naturally occurring minerals that are the property of the Crown, other than placer deposits, salt, sulphur, coal, petroleum, natural gas, bituminous sands and shales.

(2) This Part does not apply to limestone, marble, clay, gypsum, any building stone when mined for building purposes, earth, ash, marl, gravel, sand or any element that, in the opinion of the Minister, forms a portion of the surface of the land.

(3) Except for the purpose of section 67, this Part does not apply to iron.

[R.S.A. 1955, c. 204, s. 62; 1957, c. 51, s. 12]

Acquisition of Claims

Prospecting
on Crown
lands

63. (1) Every person who is eighteen years of age or over may personally but not through another otherwise than is provided in section 90, enter, locate and prospect upon any vacant Crown lands for any mineral to which this Part applies and upon all other lands in respect of which the right to enter is reserved to the Crown.

(2) Notwithstanding section 27 or the provisions of any other Act a *bona fide* prospector may enter, locate, prospect and stake out a claim for minerals to which this Part applies on lands owned or occupied by any person except ^{Prospecting on private lands}

- (a) lands on which any building, church or cemetery is located,
- (b) lands within the curtilage of a dwelling house,
- (c) lands on which crops that may be damaged by the prospecting are growing,
- (d) lands used for a garden, nursery or pleasure ground,
- (e) lands upon which any spring, artificial reservoir or dam is situate,
- (f) lands suitable for water power, and
- (g) lands lawfully occupied for mining purposes.

(3) No person may enter, locate, prospect or stake out a claim for minerals pursuant to this Part on lands comprised in a lease or other agreement granted pursuant to section 67. [R.S.A. 1955, c. 204, s. 63]

64. (1) A person desiring to locate a mineral claim may enter upon the lands and locate a rectangular tract not exceeding one thousand five hundred feet in length by one thousand five hundred feet in breadth, subject to the provisions of this Act with respect to land that may be located for such purpose and subject, in extent, to the rights acquired to any claim or claims previously located in the vicinity and on which such claim may encroach. ^{Entry to locate a claim}

(2) Where a number of claims have been located in close proximity, priority of location shall be deemed to convey priority of right to the claims so located.

(3) No locator has any prior rights until he has located his claim in accordance with the provisions of this Act.

(4) Priority of right is in each case subject to the claim being recorded within the delays specified in this Act, and subsequently maintained in good standing.

(5) All angles shall be right angles, except in cases where a boundary line of a previously located claim is adopted as common to both claims, but the boundaries need not necessarily be due north, south, east and west lines.

[R.S.A. 1955, c. 204, s. 64]

65. (1) A person desiring to locate a fractional mineral claim may enter upon land and locate any tract lying between and bounded on opposite sides by previously located mineral claims and known by the locator to measure less than the area described in section 64 as a fractional mineral claim, subject to the provisions of this Act with respect to land that may be located for such purpose. ^{Entry to locate fractional claim}

(2) A fractional mineral claim need not be rectangular in form and the angles need not necessarily be right angles, and the lines of the previously located mineral claims, whether surveyed or not, between which the fractional mineral claim is located may be adopted as the boundaries of the fractional mineral claim. [R.S.A. 1955, c. 204, s. 65]

Maximum
claims

66. A person in one calendar year in any one mining district may stake out and apply for not more than twenty-one claims as follows:

- (a) not more than fifteen claims in his own name;
- (b) not more than three claims each for not more than two other persons under section 90.

[R.S.A. 1955, c. 204, s. 66]

Application for Iron and Other Minerals

Application
for lease for
mining iron,
etc.

67. (1) Notwithstanding any other provisions regarding acquisition of minerals to which this Part applies, application may be made to the Director of Mineral Rights for a lease or other agreement for the prospecting or mining of iron and associated minerals or for other base minerals.

(2) The lease or other agreement may be granted comprising such area and upon such terms and conditions as may be approved by order of the Lieutenant Governor in Council. [R.S.A. 1955, c. 204, s. 67]

How a Claim Shall be Staked

Staking
of claim

68. (1) The locator shall mark each claim on the ground by two legal posts firmly planted in the ground, one at each extremity of the location line, which shall be known as post No. 1 and post No. 2.

(2) The location line may have any astronomical bearing or direction, but it must be a straight line measured horizontally between the posts.

(3) The distance between post No. 1 and post No. 2 shall not exceed one thousand five hundred feet, but it may be less. [R.S.A. 1955, c. 204, s. 68]

Inscriptions
on posts

69. (1) The locator shall place on posts No. 1 and No. 2 inscriptions which he shall clearly and legibly mark by knife, marking iron or crayon so they will not become illegible or obliterated.

(2) The inscriptions shall be similar to the following examples:

Inscription on Legal Post No. 1	Inscription on Legal Post No. 2	Inscription on Witness Post
No. 1	No. 2	W.P.
"Apex"	"Apex"	"Apex"
E.	Aug. 10,	Aug. 10,
800 R.	1946	1946
700 L.	Robert R. Jones	Robert R. Jones
Aug. 10,		200 feet
1946		N.
Robert R. Jones		

[R.S.A. 1955, c. 204, s. 69]

70. The locator shall mark on post No. 1 on the side facing in the direction of post No. 2, beginning near the top of the portion faced and extending downward, the following: Post No. 1

- (a) No. 1;
- (b) the name given to the claim;
- (c) the letter indicating the direction of post No. 2, namely, "N" for north or northerly, "S" for south or southerly, "W" for west or westerly, and "E" for east or easterly;
- (d) the number of feet lying to the right and the number of feet lying to the left of the location line, "R" for right and "L" for left;
- (e) the month and day of the month upon which the claim was staked;
- (f) the year;
- (g) the name of the person locating the claim.

[R.S.A. 1955, c. 204, s. 70]

71. The locator shall mark on post No. 2 on the side facing in the direction of post No. 1, beginning near the top of the portion faced and extending downward, the following: Post No. 2

- (a) No. 2;
- (b) the name given to the claim;
- (c) the month and day of the month upon which the claim was staked;
- (d) the year;
- (e) the name of the person locating the claim.

[R.S.A. 1955, c. 204, s. 71]

72. The locator standing at post No. 1 and facing in the direction of post No. 2 shall have the right and left of the location line to his right and left respectively. Position of
location
line

[R.S.A. 1955, c. 204, s. 72]

73. The markings on the posts of a fractional claim shall be the same as those upon a claim of the full size, with the addition of the letter "F" for "fractional" immediately below the name given to the claim, and below this the length of the location line in feet. Marking of
fractional
claim

[R.S.A. 1955, c. 204, s. 73]

Witness
post

74. (1) When it is found impossible, owing to the presence of water or other insurmountable obstacle, to set post No. 2 in its proper position at one end of the location line, the locator may set up a "witness post" on the location line as near as possible to where post No. 2 should have been placed.

(2) Upon this witness post the locator shall place, in addition to the material already prescribed to be placed on post No. 2, the letters "W.P." and the distance in feet and the direction of the point at which post No. 2 would have been placed had it been possible to do so.

[R.S.A. 1955, c. 204, s. 74]

Idem

75. (1) If a locator marks his claim by means of a witness post and it is subsequently ascertained, to the satisfaction of the Director of Mineral Rights, that this action was unnecessary, and that it was possible at the time to set post No. 2 in its proper place on the location line, then the Director of Mineral Rights shall consider and deal with the witness post as post No. 2 of the claim and shall regard it as the termination of the location line.

(2) Post No. 1 shall not under any circumstances be marked with a witness post. [R.S.A. 1955, c. 204, s. 75]

Marking of
location
line

76. (1) When a claim has been located, the locator shall immediately mark out the location line joining post No. 1 with post No. 2 so that it may be distinctly seen at every point throughout its entire length.

(2) In a timbered locality the locator shall open up the line throughout its length by cutting away trees and underbrush and removing obstructions so as to give a clear view of the line throughout its entire length and of the posts marking the claim.

(3) The trees at each side of and adjoining the location line shall also be marked by placing on each tree three blazes, one blaze on each tree facing the location line and one blaze on each side of the tree in the direction of the said line.

(4) In a locality where there is neither timber nor underbrush, the locator shall set posts or erect monuments of earth or rock, not less than eighteen inches high and three feet in diameter at the base, so that the location line may be distinctly seen throughout its entire length.

[R.S.A. 1955, c. 204, s. 76]

Laying out
claim

77. (1) The sides of a mineral claim of full size shall be parallel to the location line of the claim, subject, however, to the location of any claims previously located.

(2) The ends of a mineral claim shall be at right angles to the location line, subject, however, to the location of claims previously located.

(3) The location line may form one of the sides of a mineral claim, or a portion of the claim may lie on either side of the location line, but the number of feet lying to the

right of the location line together with the number of feet lying to the left of the location line shall not exceed one thousand five hundred feet. [R.S.A. 1955, c. 204, s. 77]

78. (1) Particulars of all inscriptions put on posts Nos. 1 and 2, shall be given in writing to the Mining Recorder by the locator at the time the claim is recorded, and the particulars shall form a part of the record of the claim. Particulars given to Recorder

(2) The locator shall submit with his application a plan in duplicate and showing as clearly as possible

(a) the position of the claim applied for in its relation to the prominent topographical features of the district and to the adjoining claims, or some other known point, and

(b) the position of the posts by which the claim is marked on the ground. [R.S.A. 1955, c. 204, s. 78]

Removing or Defacing Posts

79. (1) No person shall move post No. 1, but post No. 2 may be moved by an Alberta land surveyor, when he finds upon making the survey that the distance between post No. 1 and post No. 2 exceeds one thousand five hundred feet, in order to place post No. 2 at a distance of one thousand five hundred feet from post No. 1 on the line of location. Removing or defacing posts

(2) When the distance between post No. 1 and post No. 2 is less than one thousand five hundred feet, post No. 2 shall not be moved.

(3) Notwithstanding subsection (1), an Alberta land surveyor may move post No. 1 with the prior consent in writing of the Director of Mineral Rights.

[R.S.A. 1955, c. 204, s. 79]

80. Except as provided in sections 79, 82 and 83, no person shall move any legal post or deface or alter in any manner the inscriptions on any legal post. Exceptions

[R.S.A. 1955, c. 204, s. 80]

81. A person who

(a) wilfully removes or disturbs any legal post, stake, picket or other mark placed under the provisions of this Act, or

(b) defaces or alters in any manner the inscription on any legal post,

is liable on summary conviction to a fine not exceeding one hundred dollars, and in default of payment thereof to imprisonment for any period not exceeding six months.

[R.S.A. 1955, c. 204, s. 81]

82. (1) Where a fractional mineral claim has been located between previously located and unsurveyed mineral claims and when any such previously located mineral claims Correction of location of fractional claim

are surveyed, if any of the posts of the fractional mineral claim are found to be on the previously located mineral claims, the fractional mineral claim is not invalid by reason of the posts of the fractional mineral claim being on the previously located mineral claims.

(2) The owner of the fractional mineral claim may, with the permission of the Mining Recorder of the district, move the posts of the fractional mineral claim and place them on the surveyed line of the adjoining previously located mineral claims. [R.S.A. 1955, c. 204, s. 82]

Surveys

83. Nothing in this Act shall be construed to prevent an Alberta land surveyor from taking up posts or other boundary marks when necessary for the purposes of any survey. [R.S.A. 1955, c. 204, s. 83]

Recording Claims

**Recording
claims**

84. (1) Every person locating a mineral claim shall record the same in person with the Mining Recorder of the district within which the claim is situate, within fifteen days after the claim was staked if it is located within fifty miles of the office of the Mining Recorder.

(2) The time for recording shall be extended by one additional day for every additional ten miles or fraction thereof in excess of fifty miles.

(3) When the locator has complied with the staking and recording requirements, including the payment of the prescribed fee, the Mining Recorder shall record the claim.

(4) A claim that is not recorded within the prescribed period shall be deemed to have been abandoned and forfeited, without any declaration of cancellation or abandonment on the part of the Crown. [R.S.A. 1955, c. 204, s. 84]

**Appointment
of emergency
recorder**

85. (1) In the event of a claim being situated where other claims are being located, the locators, not less than five in number, may meet and appoint an "emergency recorder".

(2) The emergency recorder shall note on each application the date upon which the application was received by him and the amount of the fee paid in respect thereof.

[R.S.A. 1955, c. 204, s. 85]

**Duties of
emergency
recorder**

86. (1) The emergency recorder shall, as soon as possible after his appointment notify the Mining Recorder for the district in which the claims are located of his appointment.

(2) The emergency recorder shall deliver in person to the Mining Recorder all applications that he has received for mineral claims together with the fees that he has collected for recording them.

(3) The Mining Recorder shall then grant to each person from whom the emergency recorder has accepted an application and fee, an entry for his claim, if the application was made in accordance with the provisions of this Act, and in Form B or C in the Schedule.

(4) The entry shall date from the day the emergency recorder accepted the application and fee.

(5) Where the emergency recorder fails to notify the Mining Recorder of his appointment within the time from the date thereof equal to that prescribed for recording claims by section 84, or fails to deliver to the Mining Recorder within an additional fifteen days the applications received and fees collected, the Mining Recorder may refuse to record the claims. Refusal to file claim
[R.S.A. 1955, c. 204, s. 86]

87. No mineral claim shall be recorded unless the application is accompanied by an affidavit or solemn declaration made by the applicant in Form B or, if it is a fractional claim, in Form C in the Schedule. Affidavit required
[R.S.A. 1955, c. 204, s. 87]

88. (1) Failure on the part of the locator of a mineral claim to comply in every respect with the foregoing provisions shall not be deemed to invalidate his claim, if upon the facts it appears to the satisfaction of the Mining Recorder that the locator has staked out his claim as nearly as possible in the manner prescribed, and that there has been on his part a *bona fide* attempt to comply with all the provisions of this Part, and that the non-observance of any of the provisions hereinbefore referred to is not of character calculated to mislead other persons desiring to locate claims in the vicinity. Validity of claim

(2) Before granting entry the Mining Recorder may require the locator to remedy immediately any material defaults committed in the observance of the provisions of this Act in respect of the staking of a mineral claim, and if the defaults are not remedied within a period to be fixed by the Mining Recorder, and to his satisfaction, he may refuse to grant the entry. [R.S.A. 1955, c. 204, s. 88]

89. A locator who has duly recorded a claim may obtain therefor a certificate of record of mineral claim for one year if he has furnished to the Mining Recorder all the particulars necessary for the record. Certificate of record of mineral claim
[R.S.A. 1955, c. 204, s. 89]

90. (1) No certificate of record shall be granted for a claim that has not been staked by the applicant in person and in the manner specified in this Act. Staking of claim

(2) Notwithstanding subsection (1), any person who

(a) satisfies the Mining Recorder that he is about to undertake a *bona fide* prospecting trip, and

(b) files with the Mining Recorder in advance a power of attorney from not more than two persons, authorizing such person to stake claims for them in consideration of their having enabled him to undertake the trip,
may stake three claims in the name of each such person.
[R.S.A. 1955, c. 204, s. 90]

Minerals to which holder is entitled

91. The holder of a mineral claim is entitled to all minerals to which this Part applies, and that are the property of the Crown and lie within his claim.
[R.S.A. 1955, c. 204, s. 91]

Staking on Sunday

92. A claim staked upon a Sunday or any public holiday is not invalid for that reason. [R.S.A. 1955, c. 204, s. 92]

Chattel interest

93. The interest of a holder of a mineral claim prior to the issue of a lease shall be deemed to be a chattel interest equivalent to a lease for one year of the minerals in or under the land, and thence from year to year, subject to the performance and observance of all the terms and conditions of this Act.
[R.S.A. 1955, c. 204, s. 93]

Change of name

94. (1) Where a claim has been recorded under any name and the owner or his agent is desirous of changing the same, the Mining Recorder may, upon payment of a fee of twenty-five dollars, amend the record accordingly.

(2) A change of name upon the record does not in any way affect or prejudice any proceedings or execution against the owner of the claim.
[R.S.A. 1955, c. 204, s. 94]

Abandonment of Claims

Abandonment of claim

95. (1) The holder of a mineral claim may at any time abandon it or relinquish his lease thereof, if he has complied in every respect with the provisions of this Act, and if all payments on account of rental or other liability to the Crown and due by him in connection with the claim or lease have been fully paid.

(2) Notice in writing of intention to abandon a claim shall be given to the Mining Recorder, and from the date of the receipt of the notice all interest of the holder in the claim ceases.

(3) Upon abandonment or loss of rights in a mineral claim, the Mining Recorder shall forthwith make upon the record of the claim a note thereof indicating the date of abandonment or loss, and shall mark the record of the claim "lapsed".
[R.S.A. 1955, c. 204, s. 95]

Removal of personal property from abandoned claim

96. When the holder of a mineral claim abandons it, if he has complied with section 95, he may take from the claim any personal property that he may have placed on it and any ore that he may have extracted from it, within such time as may be fixed by the Minister. [R.S.A. 1955, c. 204, s. 96]

97. When a mineral claim has been abandoned or forfeited by any person, the Mining Recorder in his discretion may permit such person to relocate the mineral claim or any part thereof if the relocation does not prejudice or interfere with the rights or interests of others.

Relocation of
abandoned
claim

[R.S.A. 1955, c. 204, s. 97]

98. No claim shall be relocated by or on behalf of the former holder thereof within thirty days of its being abandoned or forfeited, nor until after notice of the abandonment or forfeiture has been posted up for at least a week in a conspicuous place on the claim and in the office of the Mining Recorder, nor until a statutory declaration has been filed with the Mining Recorder declaring that the notice has been so posted.

Idem

[R.S.A. 1955, c. 204, s. 98]

Grouping

99. (1) Upon written application being made to him by the owner or owners of claims not exceeding forty-two in number and situated within a radius of five miles, the Mining Recorder may grant a certificate authorizing the claims to be comprised in one group and allowing the holders of the claims to perform on any one or more of the claims all the work required to entitle him or them to a certificate of work for each claim.

Grouping of
claims

(2) The grouping certificate shall be issued on payment of the fee prescribed and shall be recorded against each claim affected without payment of any additional recording fee.

(3) If the work is not done, or if payment is not made in lieu thereof as prescribed in sections 100 and 101, the claims shall be deemed to be vacant and abandoned without any declaration of cancellation or forfeiture on the part of the Crown.

[R.S.A. 1955, c. 204, s. 99]

Representation Work Required to be Done

100. (1) A person who has received a certificate of record of a mineral claim that has not been cancelled pursuant to the provisions of section 105, is entitled to hold the claim for a period of one year from the date of recording the same and thence from year to year upon payment of the prescribed fee for a certificate of work without the necessity of re-recording, if such person

Require-
ments for
certificate
of work

- (a) during the first year and during each succeeding year does or causes to be done on the claim work to the value of one hundred and fifty dollars and satisfactory to the Mining Recorder, and
- (b) files with the Mining Recorder, within fourteen days after the expiration of each year, an affidavit made by him or his agent, stating that such work has been done and setting out a detailed statement thereof.

(2) Work performed on a mineral claim after the claim has been duly located and before it has been recorded may, if acceptable, be considered as work required to be done during the first year.

[R.S.A. 1955, c. 204, s. 100]

Payment in
lieu of
work
required to
be done

101. (1) In lieu of the work required to be done on a claim each year by section 100, the holder of a mineral claim may pay to the Mining Recorder in whose office the claim is recorded the sum of one hundred and fifty dollars, and receive from the Mining Recorder a receipt for the payment.

(2) The payment and the record thereof in any year relieves the person making it from the necessity of doing any work during the year in which, and for which, and upon the claim in respect of which, the payment is recorded, and the holder is entitled to a certificate of work for the year.

[R.S.A. 1955, c. 204, s. 101]

Lapse
of claim

102. (1) If the prescribed amount of work is not done during the year or if payment is not made in lieu thereof, the claim lapses at the expiration of the period of fourteen days provided for and shall forthwith be open to relocation under the provisions of this Act without any declaration of cancellation or forfeiture on the part of the Crown.

(2) If the owner of a mineral claim has performed the required work during the year but has failed to furnish the prescribed evidence of the work having been performed, the Mining Recorder may at the expiration of the period of fourteen days provided for, grant the area embraced in the claim or any portion thereof to another person who has duly located in the manner prescribed in this Act.

(3) The said owner, within six months after the expiration of the year, may apply for a certificate of work in connection with the claim and for the cancellation of any other certificate of record issued in respect of the said claim, or for any portion thereof, and the latter claim shall be cancelled by the Mining Recorder, or in the event of a certificate of record not having been issued for the claim, any pending application for the same shall be refused

- (a) if the owner proves to the satisfaction of the Mining Recorder that the required work was performed by or on behalf of the said owner,
- (b) if the owner pays the expenses to which the person locating the claim has been put in locating and applying for the claim, and
- (c) in the event of a certificate of record having been issued, if the owner pays also all expenses to which such person has been put in obtaining the same, and all compensation for any *bona fide* work that he may have performed thereon.

(4) Where the owner of a claim fails to obtain the required certificate of work within the time specified in section 100, the fee for the certificate shall, if paid within three months after the year has expired, be twenty-five dollars and, if paid after three months and within six months after the year has expired, fifty dollars.

(5) Where the owner of a mineral claim fails within a period of six months after the expiration of the year to furnish the evidence of expenditure prescribed in section 100, and to obtain a certificate of work from the Mining Recorder, his interest or right in, to or in respect of the said claim is, at the expiration of the period of six months void without any notice or declaration of cancellation by or on behalf of the Crown, and without judicial inquiry, notwithstanding the fact that the prescribed work may have been duly performed on the claim within the year, as required by this Act, but not proved, as aforesaid.

[R.S.A. 1955, c. 204, s. 102]

103. (1) When the recorded owner of a fractional mineral claim furnishes evidence to the satisfaction of the Mining Recorder that the area of the claim is less than twenty-five acres, the expenditure required to be incurred each year in mining operations on such fractional claim, or the payment to be made in lieu thereof, to entitle the recorded owner to a certificate of work, shall be one-half that required under this Act in respect of a full claim.

Work
required on
fractional
claim

(2) If upon survey a fractional claim in connection with which such representations have been made is found to contain twenty-five acres, or more, the recorded owner thereof shall pay to the Mining Recorder whatever additional amount may be necessary to pay in connection with a full claim, with interest, before he is entitled to receive a certificate of improvements in connection with such claim.

[R.S.A. 1955, c. 204, s. 103]

104. When two or more persons own a claim each such person shall contribute, proportionately to his interest, to the work required to be done by section 100, and to the payment of fees and other charges provided for in this Act, and if it is proved to the satisfaction of the Mining Recorder after a notice of hearing has been served on all parties interested, in the manner directed by such Mining Recorder, that any co-owner has not so contributed, the interest of the co-owner shall be vested by order of the Mining Recorder in the other co-owner or co-owners in proportion to their respective interests.

Joint
ownership
of claim

[R.S.A. 1955, c. 204, s. 104]

Disputes

105. (1) Where two or more persons lay claim to the same tract, or where the record indicates that a tract is comprised in the stakings of more than one mineral claim, then the person who was first to take possession of the tract by staking in the manner prescribed, if he has complied with the recording requirements, shall have the right to the certificate of record of mineral claim.

Priority in
staking

(2) The person who has the right to the certificate in accordance with subsection (1) shall be determined by the Minister, who may consider evidence submitted by affidavit, and may have such other investigation made as he considers the situation warrants.

(3) The decision of the Minister as to the right to a certificate is final and there is no appeal therefrom.

(4) When a certificate has been issued to a person other than the one who is found to have the right to the tract, the certificate or such portion thereof as may be decided by the Minister shall be cancelled by the Minister, and the record shall be amended accordingly.

[R.S.A. 1955, c. 204, s. 105]

Irregularities

106. Upon any dispute as to the title to any mineral claim, no irregularity happening previous to the date of the record of the last certificate of work affects the title thereto, and it shall be assumed that up to that date the title to such claim was perfect, except upon suit by the Attorney General of Alberta and based upon fraud.

[R.S.A. 1955, c. 204, s. 106]

Evidence
or record
of claim
destroyed

107. Whenever, through the act or default of any person other than the recorded owner of a mineral claim or his agent by him duly authorized, the evidence of the claim or record on the ground, or the position of the mineral claim has been destroyed, lost or effaced, or is difficult of ascertainment, effect shall be given to the claim as far as possible, and the court has power to make all necessary inquiries, directions and references in the premises, for the purpose of carrying out the object hereof and vesting title in the first *bona fide* acquirer of the claim. [R.S.A. 1955, c. 204, s. 107]

Delays of
officials

108. No person shall suffer from any acts of omission or commission, or delays on the part of any government official, if such can be proven to the satisfaction of the Minister.

[R.S.A. 1955, c. 204, s. 108]

Certificates of Improvements

Payment to
Recorder in
lieu of
expenditure

109. (1) Payment may be made to the Mining Recorder in the sum of seven hundred and fifty dollars, in lieu of expenditure on a claim of the ordinary size.

(2) Where payment in lieu of expenditure is made, the recorded owner of the claim shall comply with all other provisions of this Act, except such as have respect solely to the work required to be done on the claim.

[R.S.A. 1955, c. 204, s. 109]

Certificate
of improve-
ments

110. (1) The holder of a mineral claim, upon payment of the prescribed fee, is entitled to receive from the Mining Recorder a certificate of improvements in respect of the claim, unless proceedings by a person claiming an adverse right under section 115 have been taken, if the holder, to the satisfaction of the Mining Recorder,

(a) has done or caused to be done work on the claim itself in developing a mine to the value of seven hundred and fifty dollars exclusive of the cost of all houses, buildings and other like improvements, or made payment in lieu thereof as provided in sections 101 and 109,

- (b) has found a vein or lode within the limits of the claim,
 - (c) has had the claim surveyed at his own expense, in accordance with instructions from the Department, by an authorized Alberta land surveyor and had the survey thereof duly approved,
 - (d) has posted in some conspicuous part of the claim embraced in the survey a copy of the plan of the claim, signed and certified as accurate under oath by the surveyor,
 - (e) has posted a legible notice in writing, in the form prescribed by the Minister, of his intention to apply for a certificate of improvements on some conspicuous part of the claim and in the Mining Recorder's office,
 - (f) has, after the posting of the notice on the claim, inserted a copy of the notice in a newspaper approved by the Mining Recorder on two occasions as nearly seven days apart as possible, the first of which insertions shall be at least sixty days prior to the application,
 - (g) has filed with the Mining Recorder a copy of the surveyor's original plan of the claim, signed and certified as accurate under oath by the surveyor, and
 - (h) has filed with the Mining Recorder an affidavit of the holder of the claim, or his duly authorized agent, in the form prescribed by the Minister.
- (2) For the purposes of clause (a) of subsection (1),
- (a) the value of the work done, as assessed by the Mining Recorder, and the amount paid and accepted in lieu thereof shall together be equal to at least seven hundred and fifty dollars,
 - (b) in the case of a fractional claim, the work to be done or the payment to be made in lieu thereof shall be that specified in section 103,
 - (c) work done on a claim by a predecessor or predecessors in title shall be deemed to have been done by the person who receives a transfer of such claim, and
 - (d) the cost of the survey, but not exceeding one hundred and fifty dollars, may be counted as work done on the claim if the survey has been accepted in lieu of representation work.

(3) At the expiration of the term of sixty days after the first publication, if no action has been commenced of which notice was filed with the Mining Recorder, the Mining Recorder shall forward to the owner or agent the certificate of improvements issued, and to the Department a copy thereof, together with the several documents referred to in subsection (1) and evidence showing that the notice required

by clause (e) of subsection (1), or by section 121, has been posted in his office, and that the plan has been deposited for reference therein from the date of the first appearance of the said notice in the newspaper and continuously therefrom for a period of at least sixty days, and containing the full Christian name and surname of the recorded owner, or of each of the recorded owners, as well as his occupation and respective interest.

(4) A certificate of improvements shall not be issued until a report has been furnished by an officer of the Department, or some person satisfactory to the Mining Recorder, to the effect that upon inspection the officer or other person was satisfied that the required expenditure in developing a mine had been actually incurred, and that a vein or lode has been found within the limits of the claim.

(5) Delay in having an inspection made after the recorded owner of a mineral claim has fully complied with the above requirements does not render it necessary for the owner to perform further representation work, or make payment in lieu thereof, because of such delay.

[R.S.A. 1955, c. 204, s. 110]

Minister
may waive
notice

111. When a claim is situated in a remote part of the country that is very difficult of access, where other claims have not been recorded, and where no newspaper is published within a distance of one hundred miles, the Minister may, in his discretion, waive posting of a copy of the plan of the claim, posting of notice on the claim and publication of the same in a newspaper as provided in clauses (d), (e) and (f) of subsection (1) of section 110.

[R.S.A. 1955, c. 204, s. 111]

Certificate
is conclusive

112. A certificate of improvements when issued as aforesaid shall not be impeached in any court on any ground except that of fraud.

[R.S.A. 1955, c. 204, s. 112]

Work
unnecessary

113. After the issue and recording of a certificate of improvements, and while the certificate is in force but a lease not yet issued, it is not necessary to do any work on the claim.

[R.S.A. 1955, c. 204, s. 113]

Certificate
holder
entitled to
lease

114. The holder of a mineral claim for which a certificate of improvements has been granted and recorded is entitled to a lease of the claim upon payment being made within three months of the rental and fee prescribed by section 137.

[R.S.A. 1955, c. 204, s. 114]

Adverse Right

Adverse
right

115. (1) Where a person claims an adverse right of any kind, either to possession of the mineral claim referred to in the application for certificate of improvements, or any part thereof, or to the minerals contained therein,

he shall, within sixty days after the first publication in the nearest local newspaper of the notice referred to in clause (f) of subsection (1) of section 110 or in section 121, but not later, unless such time is extended by special order of the court upon cause being shown, commence legal action to determine the question of the right of possession or to enforce his claim otherwise.

(2) The person claiming an adverse right shall file a copy of the statement of claim, originating notice or petition or other initiating proceeding in the legal action with the Mining Recorder of the district in which the said claim is situated within twenty days from the commencement of the action, and shall prosecute the action with reasonable diligence to final judgment, and a failure so to commence or so to prosecute shall be deemed to be a waiver of the plaintiff's claim.

(3) After final judgment has been given in the legal action, the person, or any one of the persons entitled to possession of the claim or any part thereof, may file a certified copy of the same in the office of the Mining Recorder.

(4) After the filing of the said judgment, and upon compliance with all the requirements of section 110, such person or persons is or are entitled to the issue to him or to them of a certificate of improvements in respect of the claim or the portion thereof that he or they appear from the decision of the court rightly to possess. [R.S.A. 1955, c. 204, s. 115]

116. (1) If an adverse claim affects only a portion of the claim for which application is made for a certificate of improvements, the applicant may relinquish the portion covered by the adverse claim and is entitled to a certificate of improvements for the undisputed remainder of his claim, upon complying with the requirements of this Act.

Adverse
claim to
portion of
claim

(2) When judgment in such case is rendered by the court a memorandum of the judgment shall be entered in the "record book" by the Mining Recorder and, if by any judgment the original boundaries of any claim are changed, a plan made by an Alberta land surveyor and signed by the judge by whom the judgment has been given shall be filed with the Mining Recorder, who shall forward it to the Department. [R.S.A. 1955, c. 204, s. 116]

Address for Service

117. (1) Every application for a mineral claim and every other application and every transfer of a mineral claim, or of an interest therein, shall contain, or shall have endorsed thereon, the place of residence and the post office address of the applicant or transferee and his occupation.

Applications

(2) No application or transfer shall be accepted or recorded unless it conforms with subsection (1).

[R.S.A. 1955, c. 204, s. 117; 1957, c. 51, s. 13]

What Entry or Lease Conveys

Holder of
claim
entitled to
all minerals

118. The holder of a mineral claim by entry or by lease, unless otherwise provided in the entry or lease, is entitled to all minerals within the meaning of this Part and found in veins, lodes or rock in place, and whether such minerals are found separately or in combination with each other in, upon or under the lands included in the entry or lease.

[R.S.A. 1955, c. 204, s. 118]

Rights of
way and
entry
reserved
to Crown

119. A lease of a mineral claim issued under the provisions of this Act reserves to the Crown such right or rights of way and of entry as may be required under any Act or regulations in that behalf and now or hereafter in force in connection with the construction, maintenance and use of works for the conveyance of water for mining operations.

[R.S.A. 1955, c. 204, s. 119]

Survey of
mineral
claim

120. (1) The recorded owner of a mineral claim shall, within one year from the date upon which notification by the proper officer of the Department to do so is sent to him, have a survey thereof made at his own expense by a duly qualified Alberta land surveyor under instructions from the Director of Mineral Rights.

(2) Such notification shall not be given until the expiration of at least one year from the date upon which the claim was recorded.

(3) If the survey is not made and if the returns of the survey are not received and approved by the Director of Mineral Rights within one year from the date of notification, the Minister may cancel the entry granted for the mineral claim.

(4) The owner of a claim may, at any time after obtaining a certificate of record, have a survey made without any notification having been sent to him to do so.

[R.S.A. 1955, c. 204, s. 120]

Cost of
survey

121. (1) The cost of the survey of a mineral claim, made in accordance with the provisions of section 120 may be accepted as representation work on the claim in any one year.

(2) Notice of such survey in the form prescribed by the Minister shall on two occasions as nearly seven days apart as possible, be inserted in a newspaper approved by the Mining Recorder.

(3) Before the first appearance of the advertisement in the newspaper, the owner of the claim shall cause to be posted on a conspicuous spot on the claim and in the office

of the Mining Recorder for the district a notice of his intention to advertise the survey of the claim, and also a copy of the plan of the survey prepared and certified correct, under oath, by an Alberta land surveyor.

(4) Sixty days after the first publication of the notice pursuant to subsection (2), the survey shall be accepted as defining absolutely the boundaries of the claim surveyed if the claim has not been protested since the publication of the notice and has been duly approved by the Director of Mineral Rights.

(5) If within the time specified the survey is protested, the protest shall be heard and decided upon by procedure similar to that provided for in section 115.

[R.S.A. 1955, c. 204, s. 121]

122. (1) The surveyor shall accurately define and mark the boundaries of the claim in full compliance with the instructions issued to him, and shall, on completion of the survey, forward to the Department the original field notes and plan signed and certified as accurate under oath.

Duties of
surveyor

(2) After a certificate of improvements has issued in respect of any claim so surveyed, *prima facie* evidence of its staking may be given by any person who has seen and who can describe the position of such posts purporting to be marked as aforesaid.

[R.S.A. 1955, c. 204, s. 122]

123. An Alberta land surveyor when making a survey may, upon such terms and conditions, including any payment, as may be prescribed by the Minister, include an adjoining fractional area or portion thereof within the claim that is being surveyed if the fractional area or portion is available and open to disposal.

Fraction
included in
claim

[R.S.A. 1955, c. 204, s. 123]

124. (1) An Alberta land surveyor when surveying a fractional mineral claim may survey the claim so that it contains as nearly as possible all the unoccupied ground lying between the previously located mineral claims as described in the affidavit and sketch furnished by the locator at the time when the claim was recorded.

Fractional
claim may
include
unoccupied
ground

(2) No side of a fractional claim so surveyed shall exceed one thousand five hundred feet in length, and the area of the claim as surveyed shall not exceed fifty-one and sixty-five one-hundredths acres.

[R.S.A. 1955, c. 204, s. 124]

125. If required to do so by the Director of Mineral Rights, the surveyor shall connect the survey of the claim with some known point in a previous survey, or with some other known point or boundary, so that the position of the claim can be definitely fixed on the plans of the Department.

Surveyor to
connect sur-
vey with
known
point

[R.S.A. 1955, c. 204, s. 125]

Surveyor shall search for subsisting conflicting claims

126. (1) Before proceeding with the survey, the surveyor shall examine the application made for the claim and the plan that accompanied the application, and before completing the survey he shall ascertain by careful examination of the area, or by all other reasonable means in his power, whether or not any other subsisting claim conflicts with the claim he is surveying.

(2) The surveyor shall furnish with his returns of survey a certificate duly signed by him and in the following form:

"I hereby certify that I have carefully examined the area included in..... mineral claim surveyed by me, and have otherwise made all reasonable investigations in my power to ascertain if there was any other subsisting claim conflicting therewith, and I certify that I have found no trace or indication and have no knowledge or information of any such claim except as follows:

(If none, so state; if any, give particulars.)

....."
[R.S.A. 1955, c. 204, s. 126]

Posting and publication of notice of survey

127. (1) If the survey of a claim is made and advertised in the manner specified herein before the recorded owner of the claim has sufficiently complied with the Act to permit of his applying for a certificate of improvements, then the posting and publication of notice of the survey of the claim in the manner indicated shall be accepted as satisfaction of the posting and advertising requirements of section 110.

(2) Before a certificate of improvements is issued in connection with such a claim all other requirements of section 110 shall be fully complied with.

[R.S.A. 1955, c. 204, s. 127]

Transfer of a Mineral Claim

Transfer of mineral claim

128. (1) No transfer of a certificate of record for any mineral claim, or of any interest therein, is effectual unless the same is in writing, signed by the transferor, or by his agent authorized in writing, and recorded by the Mining Recorder.

(2) If the transfer is signed by an agent, the authority of the agent shall be recorded before the record of the transfer.

(3) The transfer shall be in duplicate and signed and sealed by the transferor in the presence of a witness, who by affidavit shall furnish proof of execution.

(4) When a transfer is recorded, the Mining Recorder shall return to the transferee one copy thereof with a certificate endorsed thereon that it has been recorded in his office, and the Mining Recorder shall retain the other copy.

[R.S.A. 1955, c. 204, s. 128]

129. If the certificate of record has been lost or destroyed, the Mining Recorder may, upon receipt of evidence to his satisfaction and supported by the affidavit of the recorded owner or owners, or one of them, that such is the case, and upon receipt of a fee of ten dollars, issue a "substitutional" certificate of record, which shall be so marked and which shall be as far as practicable a copy of the certificate of record originally issued for the claim.

Substitutional
certificate
of record

[R.S.A. 1955, c. 204, s. 129]

130. (1) Any conveyance, bill of sale, mortgage, or other document of title relating to a mineral claim for which a certificate of record has been granted under the provisions of this Act may be recorded with the Mining Recorder.

Recording of
dispositions

(2) The Mining Recorder is not required to record a transfer conveying less than an undivided one-quarter interest in any mineral claim.

(3) Failure to record any document does not invalidate the same as between the parties thereto, but an unrecorded document in so far as it affects a third party takes effect from the date of record and not from the date of the document.

[R.S.A. 1955, c. 204, s. 130; 1957, c. 51, s. 14]

131. After a lease of a mineral claim has been issued, a transfer of the whole or an undivided interest in such claim shall be filed with the Minister and accompanied by the prescribed fee and by the lessee's copy of the lease, but no such transfer shall be accepted or registered unless

Transfer
of mineral
claim

- (a) the transfer is unconditional and its execution proved to the satisfaction of the Minister, and
- (b) the provisions of this Act in respect of such claim have been fully complied with.

[R.S.A. 1955, c. 204, s. 131; 1957, c. 51, s. 15]

132. If the holder of a mineral claim, after applying for a certificate of improvements, sells and transfers the claim, the new holder of the claim, upon satisfactory proof of the sale and transfer being made to the Mining Recorder, is entitled to a certificate of improvements in his own name if there has been compliance with the provisions of this Act in respect of that claim.

Transfer of
mineral
claim

[R.S.A. 1955, c. 204, s. 132]

133. If a transfer is made to any person or company after a certificate of improvements has been issued but before a lease has been prepared, the Minister may, upon proper proof of the transfer being made to the satisfaction of the Minister, issue the lease to the new holder of the claim.

Transferee
may obtain
certificate

[R.S.A. 1955, c. 204, s. 133]

134. The issue of the lease does not invalidate any lien that may have been attached to any mineral claim before the issue of the lease.

Lien

[R.S.A. 1955, c. 204, s. 134]

Royalty

Royalty

135. (1) Such royalty as may be determined and fixed from time to time by order of the Lieutenant Governor in Council is reserved to and shall be charged by the Crown on the sales of all minerals produced from mineral claims, whether such claims are held under certificate of record, lease, certificate of title, or otherwise, and the royalty shall be collected as directed by the Minister.

(2) The same royalty shall be charged on the sales made before the issue of a certificate of record.

[R.S.A. 1955, c. 204, s. 135]

Term of Lease and Rental

Term of lease and rental

136. A lease shall be for a term of twenty-one years, shall be renewable for one further term of twenty-one years if the lessee furnishes evidence to the satisfaction of the Minister that during the term of the lease he has complied in every respect with the conditions of the lease and with the provisions of this Act, and shall be renewable for further terms of twenty-one years on such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

[R.S.A. 1955, c. 204, s. 136]

Rental

137. (1) The rental of a full or fractional mineral claim granted under a lease shall be fifty dollars, and the rental is payable in advance within three months after the date upon which a certificate of improvements in connection with the claim is issued.

(2) No further rental becomes due or payable in connection with such claim until the termination of the above period of twenty-one years.

(3) For a renewal of the lease the lessee shall pay in advance the sum of two hundred dollars to cover the rental for a further period of twenty-one years.

(4) The fee for the issue of a lease of a mineral claim or for any renewal thereof shall be as prescribed by this Act or the regulations.

[R.S.A. 1955, c. 204, s. 137]

Lapse for non- payment of rental or royalty

138. In case payment of the rental and fee for the first term of twenty-one years is not made within the prescribed period of three months from the date of the certificate of improvements, or in case payment is not made of the rental for the renewal term within three months from the date upon which it becomes due, then all right to the claim or to a lease thereof, or to a renewal of such lease, lapses absolutely without any declaration of cancellation or forfeiture on the part of the Crown, and such rights immediately are and become revested in the Crown. [R.S.A. 1955, c. 204, s. 138]

139. Repealed. (1957, c. 51, s. 16)

Mine Plans

140. (1) The operator of every mine on a mineral claim shall make and maintain, or cause to be made and maintained by a competent mining engineer or surveyor a clear and accurate plan or plans, with sections, if necessary, showing clearly all the workings of such mine. Mine plans required

(2) Every six months or oftener, if required by the Minister, the operator or superintendent of the mine shall cause to be clearly and accurately shown on the plan or plans of the mine all the excavations made thereon during the time elapsed since such excavations were last shown on the plan or plans, and all parts of the said mine that have been worked out or abandoned during the said period of time shall be clearly indicated on such plan or plans.

(3) All underground workings shall be surveyed and mapped out before they are allowed to become inaccessible.

(4) The methods of survey and computation thereof shall be according to instructions to be obtained from the Department. [R.S.A. 1955, c. 204, s. 140]

141. (1) All mine plans, survey notes and computations shall be kept at the mine office away from risk of damage by fire or any other cause and shall be treated as confidential information to which a person designated by the Minister shall have access at all times, but they shall not be exhibited nor shall any information contained therein be imparted to any person except with the written permission of the owner or agent of the mine. Access to mine plans

(2) Any person designated by the Minister may take a tracing of the plans if he thinks fit and may take the tracing away. [R.S.A. 1955, c. 204, s. 141]

142. (1) Plans shall be drawn on a scale of not more than fifty feet to one inch of every working mine in which levels, cross-cuts or other openings have been driven from any shaft, adit or tunnel, and in addition to the size of the openings they shall indicate all important geological information obtained in working the mine, together with assay values wherever the ore has been sampled in situ. Scale of plans

(2) For the sake of clearness, more than one plan may be employed on which to plot such information.

[R.S.A. 1955, c. 204, s. 142]

143. The requirements of this Act relating to plans do not apply to workings abandoned before the first day of April, 1949, and inaccessible at such date. Abandoned workings

[R.S.A. 1955, c. 204, s. 143]

Contents of
plans

144. (1) Every dam or bulkhead erected underground shall be shown clearly on the mine plans, and all machinery, ladder ways, stores, and so forth, shall be indicated by an approved symbol.

(2) Where workings are adjacent to abandoned workings on the group of claims being worked and liable to contain water, the plans shall show the position and extent of such workings as accurately as can be determined.

(3) Any adjoining owner may apply to the Department for the purpose of ascertaining whether any mine is being worked into his territory, and upon such application being made the Department may examine and make report thereon to the adjoining owner as to whether his territory is or is not being encroached upon.

(4) Before a mine or any part of a mine is abandoned, closed down or otherwise rendered inaccessible, all underground plans and sections shall be brought up-to-date and a certified copy filed with the Department.

[R.S.A. 1955, c. 204, s. 144]

Ore refining

145. (1) All claims recorded and leases issued under the provisions of this Act are subject to the provision that all ores or minerals mined from such claims or leases shall be treated and refined within Canada so as to yield refined metal or other product suitable for direct use in the arts without further treatment.

(2) Where the Minister is of the opinion that subsection (1) is being violated, the certificate of record or lease issued for such claims shall be by him declared null and void, and the said claims forthwith revert to and become revested in the Crown, freed and discharged of any interest or claim of any other person or persons whomsoever, and shall be open to disposal in such manner as the Minister may decide.

[R.S.A. 1955, c. 204, s. 145]

Claims of Deceased or Insane Miners

Forfeiture

146. If the owner of a claim for which a lease has not yet been issued, or if the owner of an interest in such a claim dies, or is adjudged to be insane, the provisions of this Act as to forfeiture for non-performance of work or non-payment of fees do not apply, except as hereinafter provided,

(a) in the case of a deceased person either during his last illness or after his decease, and

(b) in the case of an insane person either after he has been so adjudged insane, or if it appears that the neglect or omission on account or by reason of which such claim would otherwise have been deemed to be forfeited was attributable to his insanity, then during such period prior to his having been adjudged insane as he may have been shown to have been insane.

[R.S.A. 1955, c. 204, s. 146]

147. The Minister may limit the period during which all or any interest in any mineral claim that is the property of the deceased or insane person will be exempt from the provisions of this Act requiring annual performance of work and payment of fees, and may fix the date upon which the same will again become subject to all the provisions of this Act. Exemption
[R.S.A. 1955, c. 204, s. 147]

148. (1) At the termination of the period fixed the claim becomes subject to all the provisions of this Act and, if the provisions of this Act are not complied with, all rights thereto are absolutely forfeited in the event of the estate of the deceased person being the sole owner of the claim, and the claim shall forthwith be open for relocation without any declaration of cancellation or forfeiture on the part of the Crown. Forfeiture and relocation

(2) In the event of such an estate being a co-owner, the interest of the estate thereupon *ipso facto* becomes vested in the other co-owners who have complied with the Act, in proportion to their respective interests.

[R.S.A. 1955, c. 204, s. 148]

149. The Minister by order from time to time may extend the period of the exemption as the necessity of the case in his opinion may demand but in the case of deceased persons the period during which such exemption may apply shall not extend beyond three years from the date of the death of the deceased. Extension of exemption
[R.S.A. 1955, c. 204, s. 149]

150. If there is no other legal representative of the estate of any such deceased or insane person the Minister may cause the Public Trustee or such responsible officer as he may name to take possession of the property and administer the same subject to the provisions of any statute in force respecting the administration of the estates of deceased or insane persons in the Province. Legal representative

[R.S.A. 1955, c. 204, s. 150]

151. No exemption of the interest of a deceased or insane owner in any claim applies to or exempts any co-owner's interest from the provisions of this Act as to the annual performance of work and payment of fees, and the rights of such co-owners are entitled to protection if they do or cause to be done the prescribed representation work and pay the prescribed fees necessary in connection with those interests not exempted from performance of work and payment of fees. Co-owner
[R.S.A. 1955, c. 204, s. 151]

152. Where the estate of the deceased or insane person owns an interest in a claim and the co-owners who are required to perform work and pay fees have, during the period of such exemption, failed to perform the work required to be done thereon, the interest of such co-owners, upon such failure being proved to the satisfaction of the Mining Recorder at a hearing of which notice has been served upon all Interest of co-owners in estate

persons interested in the manner prescribed by him, may be vested by order of the Mining Recorder in such estate.

[R.S.A. 1955, c. 204, s. 152]

Recording
transfer
from estate

153. (1) A person receiving from the Public Trustee or other legal representative of the estate of a deceased or insane person a transfer of a claim that has been exempted from the provisions of the Act as to performance of work and payment of fees because of the death of or insanity of the owner thereof, shall record such transfer within two months from the date thereof.

(2) After the transfer has been recorded the claim again becomes subject to all the provisions of this Act.

(3) If the transfer is not so recorded the provisions exempting the claim cease to apply and at the expiration of the said two months the claim is absolutely forfeited and shall be open to relocation and entry.

[R.S.A. 1955, c. 204, s. 153; 1957, c. 51, s. 17]

Recording of
transfer

154. (1) A person receiving from the Public Trustee or other legal representative of the estate of a deceased or insane person a transfer of an interest in a claim

(a) that has been exempted from the provisions of this Act as to performance of work and payment of fees because of the death or insanity of the owner thereof, and

(b) on which the co-owner or co-owners are required to perform work and pay fees,

shall within two months from the date of such transfer record the same and comply with the provisions of the Act in respect of representation work from the day of the recording of the transfer.

(2) If the transfer is not so recorded and if the provisions of this Act are not otherwise complied with, the interest in the claim thereupon *ipso facto* becomes vested in the other co-owner or co-owners in proportion to their respective interests.

(3) If the co-owner or co-owners who are required to perform work and pay fees has or have failed to do so, the interest of such co-owner or co-owners may, upon such failure being proved to the satisfaction of the Mining Recorder at a hearing of which notice has been served upon all persons interested, be vested in the co-owner who has acquired the interest of the estate in such claim, and who has complied with the provisions of this Act.

[R.S.A. 1955, c. 204, s. 154; 1957, c. 51, s. 18]

Party Wall

Party wall

155. (1) Unless the owners agree to dispense therewith, in all mining operations there shall be left between all adjoining properties a party wall, which shall be at least

fifteen feet thick of which seven and one-half feet shall be on each property, and to the use of which the adjoining owners are entitled in common.

(2) The owners are entitled to use the party wall in common as a roadway for all purposes providing the right to the use of the surface is first procured.

(3) The roadway shall not be obstructed by the throwing of soil, rock or other material thereon, or in any other way, and any person obstructing the same in addition to any civil liability is liable to incur a penalty of not more than ten dollars for every day such obstruction continues.

(4) Any such adjoining owners, in any case, may apply to the Minister or the proper officer appointed for that purpose who may make an order dispensing with the party wall, or providing for the working of any material therein, or otherwise, as he may deem just. [R.S.A. 1955, c. 204, s. 155]

156. (1) Before beginning actual mining operations on a claim acquired under the provisions of this Act, whether below ground or in open cut, the owner or lessee shall, in writing, at least fifteen days beforehand, notify the Minister or the proper officer appointed for that purpose of his intention to begin such operations and of the approximate date.

Notice of
intention to
begin
operations

(2) The notice is not required in the case of work that has for its object only the stripping or otherwise uncovering of an ore body solely as a means of prospecting.

(3) The notice, which may be on forms to be obtained from the Department, shall contain the following information:

- (a) the particular point on the claim at which a shaft or an adit is to be opened or open work begun;
- (b) the name or number by which the shaft or other working will be known, which name or number shall not be changed without the consent of the Minister;
- (c) the name and post office address of the person in charge of operations. [R.S.A. 1955, c. 204, s. 156]

157. (1) If the owner or lessee neglects or fails to notify the Minister or the proper officer appointed for that purpose of his intention to begin mining operations, or to furnish the information provided for, the Minister may cancel the claim or lease.

Cancellation

(2) Before suspending operations on any workings connected with a shaft, adit or open cut for a period likely to exceed three months, the lessee shall, in writing, at least fifteen days before the suspension takes effect, notify the Minister, or the proper officer appointed for that purpose.

Suspension
of operations

(3) When the suspension is the result of accident and previous notice is impossible, the lessee shall state the cause and whether all workings have been surveyed.

(4) Upon resumption of work on any mine after a delay of more than three months the lessee shall, within fifteen days of the resumption of work, notify the Minister or the proper officer appointed for that purpose of the date of resumption. [R.S.A. 1955, c. 204, s. 157]

Notice of
intention to
abandon

158. (1) Before abandoning any workings in connection with any shaft, adit or open cut that as a result of such abandonment may become inaccessible, or in the event of complete abandonment of a mine in any case, the lessee shall, at least fifteen days before the abandonment and on forms to be obtained from the Department, notify the Minister, or the proper officer appointed for that purpose of the abandonment, unless the abandonment is due to accident, in which case the notice shall be sent at the first opportunity and the cause of the delay stated.

(2) The notice shall show:

- (a) the reasons for abandonment;
- (b) the approximate position of any workings that have not been shown on the mine plans and the reason why this has not been done;
- (c) the amount of ore blocked out in the abandoned workings and its value per ton;
- (d) the state of natural ventilation of the mine;
- (e) the inflow of water and probable level to which it may rise;
- (f) how it is proposed to fence each opening that may be dangerous to people on the surface, and that such fencing will be of a character that does not deteriorate rapidly.

(3) In the case of complete abandonment the mine plans, notes, and so forth, shall accompany the notice or the lessee shall state how soon they will be sent in the event of their requiring time to complete. [R.S.A. 1955, c. 204, s. 158]

Miscellaneous

Rights
acquired
prior to
this Act

159. Nothing in this Act shall save where such intention is expressly stated, be so construed as to affect prejudicially any mining rights and interests acquired prior to the first day of April, 1949, and all mining rights and privileges heretofore or hereunder acquired shall, without the same being expressly stated, be deemed to be taken and held subject to the rights of Her Majesty, her heirs, and successors and to the public rights of way and water.

[R.S.A. 1955, c. 204, s. 159]

160. Affidavits and declarations made under the provisions of this Act may be made before any person duly authorized to administer an oath or declaration. Affidavits

[R.S.A. 1955, c. 204, s. 160]

161. Nothing in this Act affects any litigation pending at the time this Act comes into force. Pending litigation

[R.S.A. 1955, c. 204, s. 161]

162. A person who Entry

(a) has staked out a mineral claim or claims as nearly in accordance with the provisions of the regulations in force at the time of the passing of this Act as circumstances would permit, and

(b) submits application for entry for such claim or claims within the prescribed delay,

may be granted entry for such claim or claims under the provisions of this Act if it can be shown to the satisfaction of the Mining Recorder for the district that a *bona fide* attempt was made to comply with the regulations at the time in force, and that the non-observance of any of the prescribed formalities was not of a character calculated to mislead others, and subject also to compliance within a reasonable period with such of the additional requirements of this Act as the Mining Recorder for the district considers necessary.

[R.S.A. 1955, c. 204, s. 162]

163. The Lieutenant Governor in Council may from time to time make such additional regulations governing the manner in which the mine is to be operated, as may appear to be necessary or expedient. Regulations

[R.S.A. 1955, c. 204, s. 163]

PART III

PLACER MINING

Interpretation

164. In this Part,

- (a) "base line" means a straight line or a succession of straight lines run by an Alberta land surveyor under proper instructions along the valley of a creek, and following the centre of such valley as far as its sinuosities can be made to conform to a straight line or a succession of straight lines, to be used as a base from which the boundaries of placer mining claims on such creek may be defined; Interpretation
"base line"
- (b) "claim" means any tract located or recorded for placer mining; "claim"
- (c) "creek" includes all natural watercourses, whether usually containing water or not, but does not in- "creek"

clude streams having an average general width of one hundred feet or more at the low-water stage thereof;

- "holder" (d) "holder" means the holder of a claim according to the records of the Department;
- "placer mining" (e) "placer mining" means every mode and method of working whatsoever whereby earth, soil, clay, gravel, sand or cement may be removed, washed, sifted, or refined, or otherwise dealt with, for the purpose of obtaining gold, or other precious minerals or stones, but does not include the working of rock in place;
- "river" (f) "river" means a stream of water having an average general width of at least one hundred feet at the low-water stage thereof.

[R.S.A. 1955, c. 204, s. 164]

Application of Part

Application of Part

165. This Part applies to all natural strata, beds or deposits of earth, soil, clay, gravel, sand or cement, carrying gold or other precious minerals or stones, and being the property of the Crown.

[R.S.A. 1955, c. 204, s. 165]

Acquisition of Claims

Prospecting on Crown lands

166. (1) Every person eighteen years of age or over may personally enter, locate and prospect upon any vacant Crown lands for any mineral to which this Part applies and upon all other lands to which the right to enter is reserved to the Crown.

Prospecting on private lands

(2) Notwithstanding the provisions of section 27 or of any other Act, a *bona fide* prospector may enter, locate, prospect and stake out a claim for minerals to which this Part applies on lands owned or occupied by any person, except

- (a) lands on which any building, church or cemetery is located,
- (b) lands within the curtilage of a dwelling house,
- (c) lands on which crops that may be damaged by the prospecting are growing,
- (d) lands used for a garden, nursery or pleasure ground,
- (e) lands upon which any spring, artificial reservoir or dam is situate,
- (f) lands suitable for water power, or
- (g) lands lawfully occupied for mining purposes.

(3) No person may enter, locate, prospect and stake out a claim for minerals pursuant to this Part

- (a) on lands granted by the Crown for the exploration or development of a mineral, or

(b) on lands in which a mineral has been reserved pursuant to this Act,
 unless the consent of the Minister in writing is first obtained. [R.S.A. 1955, c. 204, s. 166]

How a Claim Shall be Staked

167. Claims shall be classified as creek claims, river claims and inland claims. [R.S.A. 1955, c. 204, s. 167] Classifica-
tion of
claims

168. (1) A creek claim shall not exceed five hundred feet in length measured along the base line of the creek established by a survey authorized by the Minister. Creek claim

(2) Every creek claim shall be as nearly as possible rectangular in form, and shall be marked by two legal posts firmly fixed in the ground on the base line at each end of the claim.

(3) In the event of the base line not being established, the claim may be staked along the general direction of the valley of the creek but in such case when the base line is established the boundaries thereby defined shall be conformed to.

(4) The rear boundaries of a creek claim shall be parallel to the base line and shall be defined by measuring one thousand feet on each side of the base line so that the claim will include the bed of the creek and a tract extending for one thousand feet on each side of the base line thereof.

(5) The survey that establishes the base line of a creek shall at the same time establish the side lines of claims located on the creek and shall be a final determination of the position of such base line and side lines.

[R.S.A. 1955, c. 204, s. 168]

169. (1) A river claim shall be situated on one side of the river only and shall not exceed one thousand feet in length measured in the general direction of the river. River
claim

(2) The rear boundary of the claim that runs in the general direction of the river shall be defined by measuring one thousand feet from the low-water mark of the river.

(3) Every river claim shall be as nearly as possible rectangular in form and shall be marked by two legal posts firmly fixed in the ground at each end of the claim on the margin of the river. [R.S.A. 1955, c. 204, s. 169]

170. (1) Inland claims shall be situated elsewhere than on a creek or river and shall not exceed one thousand feet in length by one thousand feet in breadth. Inland
claim

(2) If such claims front towards a creek or river they shall be staked as nearly as possible in the general direction of the valley of the creek or river towards which they front.

(3) Inland claims shall be as nearly as possible rectangular in form and shall be marked by two legal posts firmly fixed in the ground in a line parallel to and on the side nearest to the creek or river towards which they may front.
[R.S.A. 1955, c. 204, s. 170]

Method of
staking
claim

171. (1) The line between the two posts shall be well cut out so that one post, if the nature of the surface permits, may be seen from the other.

(2) One of the flatted sides of each post shall face the claim and on each post shall be written on the side facing the claim a legible notice stating,

- (a) the name or number of the claim or both if possible,
- (b) the length of the claim in feet,
- (c) the date when staked, and
- (d) the full Christian name and the surname of the locator.

[R.S.A. 1955, c. 204, s. 171]

Numbering
and moving
of posts

172. (1) The posts shall be No. 1 and No. 2 respectively.

(2) No person shall move the No. 1 post.

(3) The No. 2 post may be moved by an Alberta land surveyor if the distance between the posts exceeds the length prescribed by this Part. [R.S.A. 1955, c. 204, s. 172]

Validity of
claim

173. Notwithstanding anything in this Act, failure on the part of the locator of a claim to comply with any of the foregoing provisions shall not be deemed to invalidate his claim, if, upon the facts it appears to the satisfaction of the Mining Recorder that there has been on the part of the locator a *bona fide* attempt to comply with the provisions of this Part, and that the non-observance of the provisions hereinbefore referred to is not of a character calculated to mislead other persons desiring to locate claims in the vicinity
[R.S.A. 1955, c. 204, s. 173]

First creek
claim

174. (1) A person or party of persons locating the first creek claim on any stream or watercourse, or locating a creek claim on any stream upon which there is no recorded claim, is entitled to a claim or claims respectively of the following size, namely:

- (a) for one locator, one claim, one thousand five hundred feet in length;
- (b) for a party of two locators, two claims, each one thousand two hundred and fifty feet in length;
- (c) for a party of more than two locators, one claim for each member of the party, of which two claims may be one thousand feet in length, and the remainder of the ordinary size.

First
river or
inland claim

(2) A person or party of persons locating the first river or inland claim on any river, hill, bench, bar or plain, or locating such a claim on any river, hill, bench, bar or plain

upon which there is no recorded claim, is entitled to a claim or claims respectively of the following size, namely:

- (a) for one locator, one claim, three thousand feet in length;
- (b) for a party of two locators, two claims, each two thousand five hundred feet in length;
- (c) for a party of more than two locators, one claim for each member of the party, of which two claims may be two thousand feet in length, and the remainder of the ordinary size. [R.S.A. 1955, c. 204, s. 174]

175. The boundaries of any claim for which a certificate of record has been issued by order of the Mining Recorder upon application by the owner thereof may be enlarged to the size of the claim allowed by this Part, if the enlargement will not interfere with any mining property owned by any other person. [R.S.A. 1955, c. 204, s. 175]

Boundaries
of claim

Recording Claims

176. The form of application to record shall be in Form D in the Schedule and the forms of certificate of record, and of renewal of a claim shall be prescribed by the Minister. [R.S.A. 1955, c. 204, s. 176]

Application
for claim

177. (1) An application to record a claim shall be filed in person with the Mining Recorder for the district in which the claim is situated, within fifteen days after the location thereof, if it is located within fifty miles of the Mining Recorder's office.

Time for
filing claim

(2) One extra day for recording the application shall be allowed for every additional ten miles or fraction thereof in excess of fifty miles.

(3) The locator shall submit with his application a plan in duplicate showing as clearly as possible,

(a) the position of the claim applied for in its relation to the prominent topographical features of the district and to the adjoining claims, or some other known point, and

(b) the position of the posts by which the claim is marked on the ground.

(4) The application shall not be recorded until the prescribed fee has been paid.

(5) A claim that is not recorded within the prescribed period shall be deemed to have been abandoned and forfeited, without any declaration of cancellation or abandonment on the part of the Crown.

[R.S.A. 1955, c. 204, s. 177]

178. A locator, having duly recorded a claim, may obtain therefor a certificate of record of placer claim for one year if he has furnished to the Mining Recorder all the particulars necessary for the record.

Certificate
of record of
placer claim

[R.S.A. 1955, c. 204, s. 178]

Staking on
Sunday

179. The staking of a claim on Sunday or any public holiday is not for that reason invalid.

[R.S.A. 1955, c. 204, s. 179]

Emergency
recorder

180. (1) Where a claim is more than one hundred miles from the Mining Recorder's office and situated where other claims are being located, the locators, not less than five in number, may meet and appoint an "emergency recorder".

(2) The emergency recorder shall note on each application the date upon which the application was received by him and the amount of fees paid in respect thereof.

(3) The emergency recorder shall, at the earliest possible date after his appointment, notify the Mining Recorder for the district in which the claims are situated of his appointment, and he shall deliver in person to the Mining Recorder the applications that he has received for claims and the fees that he has collected for recording the same.

(4) The Mining Recorder shall then grant to each person from whom the emergency recorder has accepted an application and fee, a certificate of record for his claim if the application was made in accordance with the provisions of this Act and in Form D in the Schedule.

(5) The certificate shall date from the day the emergency recorder accepted the application and fee.

(6) Where the emergency recorder fails to notify the Mining Recorder of his appointment within the time from the date thereof equal to that prescribed for recording claims by section 177 or fails to deliver to the Mining Recorder within an additional fifteen days the applications received and fees collected, the Mining Recorder may refuse to record the claims.

[R.S.A. 1955, c. 204, s. 180]

Personal
staking

181. (1) No application shall be received for a claim that has not been staked by the applicant in person in the manner specified in this Part.

(2) Notwithstanding subsection (1), a person who satisfies the Mining Recorder that he is about to undertake a *bona fide* prospecting trip, and files with the Mining Recorder in advance a power of attorney from not more than two persons authorizing such person to stake claims for them in consideration of their having enabled him to undertake the trip, may, within the valley or basin of any creek or river upon which he makes a discovery, stake one claim of the ordinary size in the name of each of such persons.

[R.S.A. 1955, c. 204, s. 181]

Abandon-
ment of
claim

182. (1) The holder of a claim may at any time abandon it if he has complied in every respect with the provisions of this Act and if all payments on account of any liability to the Crown and due by him in connection with such claim have been fully made.

(2) Notice in writing of his intention to abandon shall be given to the Mining Recorder and from the date of the receipt of such notice all interest of the holder in such claim ceases.

(3) Upon abandonment or loss of rights in a claim the Mining Recorder shall forthwith enter a note thereof, with the date of the abandonment or loss, upon the record of the claim and shall mark the record of the claim "lapsed".

(4) When the holder of a claim abandons it he has the right to take from the claim any personal property that he may have placed on the claim if there is compliance with subsection (1) within such time as may be fixed by the Minister.

(5) No claim shall be relocated until after notice of the abandonment has been posted up for at least thirty days in the office of the Mining Recorder.

[R.S.A. 1955, c. 204, s. 182]

183. A person having located a claim does not have the right to locate another claim within the valley or basin of the same creek or river within sixty days of the date on which he has located the claim except when staking in the name of another person in accordance with subsection (2) of section 181.

Location of
additional
claim

[R.S.A. 1955, c. 204, s. 183]

184. During the absence of the Mining Recorder from his office, an application to record a claim may be received by any person whom he may appoint to perform his duties in his absence.

Delegation
of duties of
Recorder

[R.S.A. 1955, c. 204, s. 184]

Disputes

185. (1) Where two or more persons lay claim to the same tract, or where the record indicates that a tract is comprised in the stakings of more than one placer claim, then the person who was first to take possession of the tract by staking in the manner prescribed and who has complied with the recording requirements, shall have the right to the certificate of record of placer claim.

Priority in
staking

(2) The person who has the right to the certificate in accordance with subsection (1) shall be determined by the Minister, who may consider evidence submitted by affidavit, and may have such other investigation made as he considers the situation warrants.

(3) The decision of the Minister as to the right to a certificate is final and there is no appeal therefrom.

(4) If a certificate has been issued to a person other than the one who is found to have the right to the tract, the certificate or such portion thereof as may be decided by the Minister shall be cancelled by the Minister, and the record shall be amended accordingly.

[R.S.A. 1955, c. 204, s. 185]

Representation Work Required to be Done

Renewal
work

186. Any person, having received a certificate of record of placer claim that has not been cancelled pursuant to section 185, is entitled to hold the claim for a period of one year from the date of recording the claim, and from year to year thereafter upon payment of the renewal fee prescribed, if such person

- (a) during the first year and during each succeeding year, does, or causes to be done, work on the claim to the value of one hundred and fifty dollars and satisfactory to the Mining Recorder, and
- (b) files with the Mining Recorder within fourteen days after the date of the expiration of each year an affidavit made by such person or his agent, stating that such work has been done and setting out a detailed statement thereof.

[R.S.A. 1955, c. 204, s. 186]

Forfeiture

187. In the event of the work referred to in section 186 not being done as therein provided, the rights of the owner to the claim thereupon become absolutely forfeited and the claim shall forthwith be open for relocation without any declaration of cancellation or forfeiture on the part of the Crown.

[R.S.A. 1955, c. 204, s. 187]

Relocated
claim

188. (1) If the owner of a claim has done the required work thereon but has failed to apply for a renewal by the expiration of the period of fourteen days provided therefor, the Mining Recorder may issue a certificate of record to any person relocating such claim.

(2) The owner may, within six months after the date at which his claim came due for renewal, apply for the cancellation of any certificate of record so issued and such certificate of record shall be cancelled if,

- (a) it is proved to the satisfaction of the Mining Recorder that the required work was done by the owner,
- (b) the owner pays a renewal fee of twenty-five dollars for an application made during the first three months or a renewal fee of fifty dollars for an application made during the second three months, and
- (c) the owner pays the expenses to which the relocater has been put in locating and applying for the said claim and obtaining a certificate of record thereof, and compensation for any *bona fide* work that the relocater has performed thereon, less the reasonable value of any mineral that he has taken out.

[R.S.A. 1955, c. 204, s. 188]

Proportion-
ate con-
tributions
by co-owners

189. (1) If two or more persons own a claim, each such person shall contribute proportionately to his interest to the work required to be done thereon.

(2) If it is proved to the satisfaction of the Mining Recorder, after notice of hearing has been served as directed on all parties interested, that any co-owner has not done his proportion of the work, the interest of the co-owner may be vested by order of the Mining Recorder in the other co-owner or co-owners in proportion to their former interests.

[R.S.A. 1955, c. 204, s. 189]

190. (1) A person receiving a certificate of record of a claim is entitled to all minerals to which this Part applies and that are the property of the Crown and lie within his claim. Minerals to which holder is entitled

(2) The certificate of record of a claim shall reserve to the Crown such royalty on the sales of the products as may from time to time be fixed by order of the Lieutenant Governor in Council, and the royalty shall be collected in such manner as may be prescribed by the Minister.

(3) The same royalty may be collected on any sales that have been made prior to the recording of a claim.

[R.S.A. 1955, c. 204, s. 190]

191. (1) The owner of a claim may sell, mortgage, or dispose of the claim if the instrument of disposition is deposited, in duplicate, with the Mining Recorder. Disposition of claim

(2) A conveyance, bill of sale, mortgage or other document of title relating to a claim granted under the provisions of this Part may be recorded with the Mining Recorder.

(3) The Mining Recorder is not required to record a transfer conveying less than an undivided one-quarter interest in such claim.

(4) The failure to record any such document does not invalidate the same as between the parties thereto but the document, in so far as it affects a third party, takes effect from the date of record and not from the date of the document.

[R.S.A. 1955, c. 204, s. 191; 1957, c. 51, s. 19]

192. No person shall suffer from any acts of omission or commission or delays on the part of any government official, if such can be proven to the satisfaction of the Minister. Delays by officials

[R.S.A. 1955, c. 204, s. 192]

193. (1) Whenever, through the acts or defaults of any person other than the recorded owner of a claim or his agent by him duly authorized, the evidence of the claim on the ground or the position of the claim has been destroyed, lost or effaced, or is difficult of ascertainment, effect shall nevertheless be given to the claim as far as possible. Evidence of claim destroyed or lost

(2) The Mining Recorder may make all necessary inquiries, directions and references in the premises for the purposes of carrying out the object of the claim and vesting title in the recorded owner. [R.S.A. 1955, c. 204, s. 193]

Grouping

Grouping
of claims

194. (1) Upon application being made to him by any person or persons owning adjoining claims not exceeding ten in number, the Mining Recorder may grant permission, for a term not exceeding ten years, to any person or persons to perform on any one or more of such claims all the work required to entitle him or them to renewals for each claim so held by him or them.

(2) Where the application is made by more than one person, the applicants shall file with the Mining Recorder a deed of partnership creating a joint liability between the owners of the claims for the joint working thereof.

[R.S.A. 1955, c. 204, s. 194]

Renewal of
certificates
of record
of grouped
claims

195. (1) Certificates of record of claims in respect of which such permission has been granted and certificates of record of any claims within a mining district owned by one person may be made renewable by the Mining Recorder on the same day.

(2) In granting the privilege allowed under this section the Mining Recorder shall charge the applicant two dollars and fifty cents for every three months or portion thereof for each claim during that portion of the year it is necessary to renew the same to make all the claims renewable on the same day.

(3) The representation work required for the fractional portion of the year for which each claim is renewed shall be allowed at the rate of thirty-seven dollars and fifty cents for each three months or fraction thereof, and the said representation work shall be performed and recorded on or before the date from which all the claims are first made renewable.

[R.S.A. 1955, c. 204, s. 195]

Water Rights

Water
rights

196. Before taking or using any of the water naturally flowing through or past his claim, the person owning the claim shall obtain, under the provisions of *The Water Resources Act* and regulations made thereunder, a licence to divert or make use of such water not already lawfully appropriated as may be necessary for the due working of his claim.

[R.S.A. 1955, c. 204, s. 196]

Claims of Deceased or Insane Persons

Claims of
deceased
or insane
persons

197. If the owner of a claim dies, or is adjudged to be insane, the provisions as to abandonment do not apply,

(a) in the case of death, either during his last illness or after his decease, or

(b) in the case of insanity, either after he has been so adjudged, or, if it appears that the neglect or omission on account or by reason of which such claim would otherwise have been deemed to be abandoned was attributable to his insanity, during such period

prior to his having been so adjudged as he is shown to have been insane. [R.S.A. 1955, c. 204, s. 197]

198. (1) The Minister may either cause the mining property of any such deceased or insane person to be worked in the usual manner or he may authorize the working of such property to be dispensed with for such periods as the necessity of the case may, in his opinion, demand. Working of claims

(2) The Minister, if he sees fit, and if there is no other legal representative, may cause the property to be taken possession of and administered by the Public Trustee subject to the provisions of the laws of the Province respecting the administration of the estates of deceased or insane persons.

(3) All charges and expenses that may be incurred

(a) in or about the working of such mining property, or

(b) in taking or keeping possession thereof,

by a person acting under the instructions of the Minister constitute a first charge against such mining property until duly paid. [R.S.A. 1955, c. 204, s. 198]

Surveys

199. (1) Where there is any dispute as to boundaries or measurements or where in the opinion of the Minister the definite location of a claim is necessary, the Minister may employ an Alberta land surveyor to survey and define such claim, and the expense thereof shall be paid by the holder of the claim. Survey of claim

(2) If the expense is not paid within sixty days from the date of the demand notice, the Minister may cancel the claim.

(3) The plan of survey on linen tracing cloth together with field notes shall be filed by the surveyor with the Director of Mineral Rights and the survey so made shall constitute the actual claim.

[R.S.A. 1955, c. 204, s. 199]

Miscellaneous

200. The Lieutenant Governor in Council may, from time to time, make such additional regulations governing the manner in which placer mining operations are to be conducted as may appear to be necessary or expedient. Additional regulations

[R.S.A. 1955, c. 204, s. 200]

PART IV

COAL MINING

Leases

201. (1) The coal-mining rights that are the property of the Crown may be leased to applicants at an annual rental of one dollar an acre payable yearly in advance. Lease for coal mining

(2) The term of the lease shall be for twenty-one years and the lease is

- (a) renewable for one further term of twenty-one years subject to the provisions of this Act and the regulations in force at the time the renewal is granted, if the lessee furnishes evidence satisfactory to the Minister that during the term of the lease he has complied fully with the conditions of the lease and with the provisions of this Act and the regulations in force from time to time during the currency of the lease, and
- (b) renewable for further terms of twenty-one years each upon such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

[R.S.A. 1955, c. 204, s. 201]

Size of
location

202. (1) The maximum area of a location shall be two thousand five hundred and sixty acres and no person shall be permitted to acquire a greater area except by transfer.

(2) The minimum area of a location shall be forty acres.

(3) No lease shall be granted to any applicant who is indebted to the Province for royalty on coal mining.

[R.S.A. 1955, c. 204, s. 202; 1957, c. 51, s. 20]

Filing
of lease

203. Application for a lease of coal-mining rights shall be filed by the applicant in person with the Mining Recorder for the district in which the rights applied for are situated.

[R.S.A. 1955, c. 204, s. 203]

Description
in surveyed
territory

204. (1) If the tract applied for is situated in surveyed territory it shall consist of sections or legal subdivisions and in the discretion of the Minister may include parts of legal subdivisions but the several parcels comprising the tract shall be adjoining, and the length of the tract shall not exceed four times its breadth.

(2) In unsurveyed territory, if at least one of the lines bounding the tract applied for has been surveyed, an application for a lease of an area not in excess of six hundred and forty acres may be considered if the length of the tract does not exceed its breadth.

[R.S.A. 1955, c. 204, s. 204]

Description
in
unsurveyed
territory

205. (1) Application for a tract situated in unsurveyed territory shall contain a description by metes and bounds, and shall be accompanied by a plan in duplicate showing the position of the tract in its relation to some prominent topographical feature of the district or some other known point and to any adjoining locations.

(2) The location shall be staked along its greater dimension and shall be rectangular in form, except where a boundary of a previously located tract is adopted as common to both locations.

(3) The length of the location shall not exceed four times the breadth.

(4) Application shall be made within thirty days from the date the tract was staked, and one extra day shall be allowed for every additional twenty-five miles or fraction thereof that the tract is distant more than two hundred miles in a direct line from the office of the Mining Recorder.

[R.S.A. 1955, c. 204, s. 205]

How a Location Shall be Staked

206. Evidence supported by affidavit of the locator shall accompany the application to show that the applicant has complied fully with the following requirements: Staking of
a location

- (a) that the locator in person has defined the tract applied for on the ground by two legal posts, numbered "1" and "2" respectively;
- (b) that the distance between post No. 1 and post No. 2 does not exceed twenty-one thousand, one hundred and twenty feet;
- (c) that post No. 1 is inscribed "Initial Post";
- (d) that clear and legible inscriptions have been marked on the posts by knife, marking iron, or crayon in such a way that they will not become illegible or obliterated;
- (e) that on post No. 1 on the side facing in the direction of post No. 2 there has been marked, beginning near the top of the portion faced and extending downward, the following:
 - (i) coal;
 - (ii) No. 1 Initial Post;
 - (iii) the name of the locator;
 - (iv) the date and hour of staking out;
 - (v) the approximate compass bearing of post No. 2;
 - (vi) the distance in feet between post No. 1 and post No. 2;
 - (vii) the distance in feet the location lies to the right or to the left when the locator is facing in the direction of post No. 2;
- (f) that on post No. 2 on the side facing in the direction of post No. 1 there has been marked, beginning near the top of the portion faced and extending downward, the following:
 - (i) No. 2;
 - (ii) the name of the locator;
 - (iii) the approximate compass bearing of post No. 1;
 - (iv) the distance in feet between post No. 2 and post No. 1.

[R.S.A. 1955, c. 204, s. 206]

207. (1) All the particulars inscribed on post No. 1 and post No. 2 shall be furnished by the locator to the Mining Recorder in writing at the time the application is made. Particulars
required
for recording

(2) Errors or omissions in staking that, in the opinion of the Minister, were not deliberately made to mislead any subsequent intending applicant, do not invalidate the staking, but the Minister may require the applicant to make the necessary corrections immediately.

[R.S.A. 1955, c. 204, s. 207]

Marking
location

208. (1) When the tract has been defined, the locator shall mark out immediately the location line between post No. 1 and post No. 2 so that it can be distinctly seen in a timbered locality by blazing trees and cutting underbrush, and in a locality where there is neither timber nor underbrush he shall set posts or erect mounds of earth or rock in such a manner that the line may be distinctly seen.

(2) In a timbered locality, an area of ten feet square shall be cleared around each post by cutting the underbrush so that the post will be clearly discernible at a reasonable distance.

[R.S.A. 1955, c. 204, s. 208]

Disputes

Dispute

209. Where two or more persons lay claim to the same tract situated in unsurveyed territory, the person who proves to the satisfaction of the Minister that he was the first to take possession of the tract in dispute by staking in the manner prescribed and that he made application for a lease within the specified time has the right to the lease.

[R.S.A. 1955, c. 204, s. 209]

Surveys

Surveys

210. (1) If, for any reason, the Minister considers it necessary or advisable to have a survey or resurvey made of any tract applied for or location leased to determine the exact position of the tract or location, or in order to settle any dispute that may arise respecting the same, the Minister may direct that such a survey or resurvey be made by an Alberta land surveyor under proper instructions.

(2) The Minister may require payment in advance of the costs of the survey or resurvey to be made by the applicant for, or the recorded owner of, the tract or location to be surveyed in whole or in part, or the Minister may require such portion of the payment of the costs as seems to him just.

(3) If the applicant or lessee fails to make such payment in advance when called upon to do so by the Minister, the Minister, in his discretion, may cancel the application or lease.

(4) The surveyor shall file with the Department, plans, notes and any other information that may be required to determine the exact position of the location, and the Department shall give a copy of such information to the applicant or lessee, as the case may be. [R.S.A. 1955, c. 204, s. 210]

Moving
of posts

211. (1) No person shall move post No. 1.

(2) Post No. 2 may be moved by an Alberta land surveyor when it is found, upon making the survey or resurvey, that

the distance between post No. 1 and post No. 2 exceeds the distance given by the applicant in his application for lease.

(3) When post No. 2 is moved or substituted by an Alberta land surveyor, the surveyor shall plant it firmly on the location line at the distance from post No. 1 given by the applicant in his application for lease.

[R.S.A. 1955, c. 204, s. 211]

212. (1) As soon as a location or any portion thereof embraces areas that have been surveyed, the Minister, after consultation with the lessee, may amend the description by describing the surveyed areas by sections, quarter-sections, legal subdivisions or parts thereof. Amendment
of
description

(2) The decision of the Minister as to the surveyed lands to be included in the lease is conclusive and final and there is no appeal therefrom. [R.S.A. 1955, c. 204, s. 212]

Work Required to be Done

213. (1) The lessee shall commence active operations on his leasehold within one year from the date upon which he is notified by the Minister to do so and shall produce from such operations the quantity of coal specified in the notice. Work
required
to be done

(2) The notice shall not be given until the expiration of at least one year from the date of the lease and it shall set out the quantity of coal that the lessee is required to mine and produce at the pit's mouth and ready for shipment.

(3) The quantity may be increased from time to time upon thirty days' notice to that effect being given to the lessee, but in no case shall the maximum quantity required to be mined exceed ten tons per annum for each acre leased.

(4) In case operations are not commenced within the time specified in the notice or if the required quantity of coal is not mined during each year, the Minister, in his discretion, may cancel the lease. [R.S.A. 1955, c. 204, s. 213]

214. Repealed. (1957, c. 51, s. 21)

Conditions of Lease

215. Every lease of coal-mining rights issued under this Act is subject to the provision that actual settlers shall be entitled to buy at the pit's mouth whatever coal they may require for their own use, but not for barter or sale, at a price not exceeding three dollars and seventy-five cents per ton. Settlers
entitled to
buy

[R.S.A. 1955, c. 204, s. 215]

216. (1) The prescribed fee and the rental for the first year shall accompany each application for a lease. Fee and
rental

(2) The fee and rental will be refunded if the rights applied for are not available, but not otherwise.
[R.S.A. 1955, c. 204, s. 216]

Date

217. (1) The lease shall bear the date of issue, which shall also be the commencement of the term.

Cancellation
for non-
payment of
rent

(2) If during the term of the lease the lessee fails to pay the rental in advance for each subsequent year within thirty days after the date upon which the same became due whether demand is made or not, the Minister, in his discretion, may cancel the lease. [R.S.A. 1955, c. 204, s. 217]

Royalty on Leases

Royalty on
leases

218. (1) The coal mined or excavated from a location acquired under this Part is subject to the payment to Her Majesty of the royalty provided for by section 220.

(2) The royalty shall be collected in such manner as may be specified by the Minister.

(3) If the lessee fails or neglects to make prompt payment of the royalty the Minister may cancel the lease.

[R.S.A. 1955, c. 204, s. 218]

Returns
required

219. (1) The lessee or his agent authorized in writing shall, not later than the twenty-fifth day of the month, file with the Department, on forms prescribed by the Minister, a report accounting for the full quantity of coal mined during the preceding month.

(2) Every lessee of coal-mining rights that are not being operated shall furnish the Department with a sworn statement to that effect at least once every three months.

(3) If, after the lessee of the location has been requested in writing to forward any overdue report, the Minister deems it necessary to send an officer of the Department to secure the same, the Minister may charge to the lessee the expenses incurred in connection with securing the report.

(4) If the lessee fails or neglects to make payment of the expenses so incurred, the Minister may cancel the lease summarily.

(5) If a person attempts by making false statements to defraud the Crown of any part of the revenue thus provided for, the Minister in his discretion may cancel the lease summarily.

(6) In respect of the facts as to fraud or false statements or non-payment of royalty or failure to furnish reports the decision of the Minister is final.

[R.S.A. 1955, c. 204, s. 219]

General Royalty Provision

Royalty
on coal

220. (1) Notwithstanding subsection (2) of section 34, the royalty to be computed, levied and collected on any coal mined or excavated, pursuant to a lease made under this Act or *The Provincial Lands Act* or pursuant to a

lease comprising a road allowance, shall be ten cents per ton, or such other royalty as may be prescribed from time to time by the Lieutenant Governor in Council.

(2) Notwithstanding subsection (2) of section 34 and subsection (1) of this section, the royalty to be computed, levied and collected on any coal mined or excavated pursuant to a lease issued by the Province as the first renewal of a lease granted under the *Dominion Lands Act*, and containing a renewal provision, shall, while the location is held under such first renewal lease, be five cents per ton.

[R.S.A. 1955, c. 204, s. 220]

221. Where the payment of a royalty has been reserved to the Crown in the right of Canada in any patent or agreement for sale that conveys coal or the right to mine, win, work or excavate the same, the royalty to be computed, levied and collected and paid to Her Majesty in the right of the Province on any coal mined or excavated, shall be

Royalty on coal granted by Canada

(a) seven cents per ton, or

(b) such other royalty as may be prescribed from time to time by the Lieutenant Governor in Council in accordance with the terms of the agreement between the Province and Canada and referred to in the Schedule of *The Alberta Natural Resources Act*, being chapter 21 of the Statutes of Alberta. 1930.

[R.S.A. 1955, c. 204, s. 221]

Miscellaneous

222. (1) Notwithstanding the terms and provisions of any certificate of title, conveyance, agreement of sale, lease, licence, permit or other evidence of title under which he has heretofore acquired or hereafter acquires coal, or the right to mine and excavate the same, no person

Mining near boundary lines

(a) shall mine or excavate any coal that lies within thirty feet of any of the boundary lines of the location area or parcel held by him as aforesaid, or

(b) shall, without the permission of the Minister first had and obtained, excavate any coal, or make or cause or permit to be made any opening into any adjoining lands through the said barrier.

(2) "Boundary lines" in this section means the vertical planes or lines in which the surface boundaries of the location or parcel lie.

[R.S.A. 1955, c. 204, s. 222]

223. When a lessee wishes to abandon a location where operations have been conducted, he shall obtain written permission to do so from the Minister before removing any part of the machinery or structures that have been erected upon the premises.

Abandonment of location

[R.S.A. 1955, c. 204, s. 223]

224. (1) Notwithstanding section 5 the lessee shall, before opening any mine on the location described in the

Information required by Minister

lease and before extracting any coal therefrom, submit to the Minister plans and specifications showing in detail the manner in which it is proposed to open up, develop and operate such mine.

(2) If the location contains more than one seam of coal, detailed information shall be furnished as to the particular seam that it is proposed to develop.

(3) No work shall be commenced for the recovery of coal, and no coal shall be extracted, until such plans and specifications have been approved by the Department.

(4) The procedure to be adopted in opening up and operating a mine on the location as well as the particular seam of coal that will first be operated shall at all times be in accordance with the provisions of *The Coal Mines Regulation Act*, and, if the lessee fails to comply with the provisions of that Act, the Minister, in his discretion, may cancel the lease.

[R.S.A. 1955, c. 204, s. 224]

PART V

MINING IN ROAD ALLOWANCES

Coal Mining Leases

Coal leases
in road
allowances

225. The provisions of Part IV relating to the leasing of coal-mining rights that are the property of the Crown apply, as far as practicable, to leases of coal-mining rights in road allowances except as hereinafter provided.

[R.S.A. 1955, c. 204, s. 225]

Rental

226. (1) Coal-mining rights in road allowances may be leased to applicants at an annual rental of five dollars payable yearly in advance.

Term

(2) The term of the lease or any renewal thereof shall not exceed twenty-one years and may be for such lesser period as the Minister may prescribe.

[R.S.A. 1955, c. 204, s. 226]

Application
for lease

227. No application for a lease shall be considered unless the applicant satisfies the Minister that he has the right to win, work and get the coal in the properties adjoining on both sides of the road allowance.

[R.S.A. 1955, c. 204, s. 227]

One mile of
road
allowance

228. No lease shall be issued for more than one mile of road allowance, but the block at the intersection of two road allowances may in addition be included in a lease.

[R.S.A. 1955, c. 204, s. 228]

Adjoining
coal

229. (1) If the Minister has reason to believe that the lessee no longer has the right to win, work and get the

coal from any property adjacent to his road allowance lease, the Minister may give to the lessee a period of thirty days to submit evidence as to his ownership.

(2) If the lessee fails to submit evidence satisfactory to the Minister within such period the Minister in his discretion may cancel the lease summarily.

[R.S.A. 1955, c. 204, s. 229]

230. (1) A lease granted for coal-mining rights in a road allowance may include such conditions, provisions, restrictions and stipulations as the Minister may prescribe. Conditions of road allowance lease

(2) If the lessee fails to comply with such conditions, provisions, restrictions and stipulations, the Minister in his discretion may cancel the lease summarily.

[R.S.A. 1955, c. 204, s. 230]

231. (1) If by reason of the working of the lease any road allowance is damaged in any way, the lessee shall be responsible for the damage and for any other loss or damage arising therefrom and may be required to remedy the same. Damage to road allowance

(2) If the lessee fails to remedy the damage within the time specified by the Minister, the Minister may have such repairs made as he may deem necessary and the cost of such repairs constitute a debt payable by the lessee to the Minister on demand.

(3) If the lessee fails to pay such debt he is guilty of a contravention of this Act. [R.S.A. 1955, c. 204, s. 231]

232. Where coal-mining rights in a road allowance are held under lease and Returns

- (a) are adjacent to property that is subject to royalty as prescribed by subsection (1) of section 220, the returns accounting for the full quantity of coal mined may be included in the returns for the adjacent property, or
- (b) are not adjacent to property that is subject to royalty as prescribed by subsection (1) of section 220, the lessee shall, at least every six months, have the holder of a mine surveyor's certificate issued pursuant to *The Coal Mines Regulation Act*, survey the workings of the mine in so far as they relate to the area included in the road allowance lease, and within thirty days thereafter the lessee or his agent authorized in writing shall supply to the Department, on forms prescribed by the Minister, a report accounting for the full quantity of coal mined during such period.

[R.S.A. 1955, c. 204, s. 232]

Other Leases

233. No lease shall be granted for the right to win, work and get any mineral within, upon or under any road allowance, other than coal, petroleum or natural gas, unless with the approval of the Lieutenant Governor in Council. Other road allowance leases

[R.S.A. 1955, c. 204, s. 233]

General

Orders of
Minister of
Highways

234. (1) Without compensation of any nature whatsoever a lessee shall, at all times during the term of the road allowance lease and any renewal thereof, perform, observe and comply with the orders or directions of any nature whatsoever of the Minister of Highways or such person as he may appoint and, without derogating from the generality of the foregoing, such orders or directions may require the construction and maintenance of a temporary road and such reconstruction and surfacing, including gravelling, of the road allowance as the Minister of Highways may deem necessary.

Orders of
Director
of Mines

(2) Without compensation of any nature whatsoever the lessee shall, at all times during the term of the road allowance lease and any renewal thereof, perform, observe and comply with the orders and directions of the Director of Mines affecting underground operations and, without derogating from the generality of the foregoing, such orders or directions may require such measures as the Director of Mines may consider necessary to prevent any subsidence.

[R.S.A. 1955, c. 204, s. 234]

PART VI

PETROLEUM AND NATURAL GAS

Leases

Leases of
petroleum
and natural
gas

235. (1) The petroleum and natural gas rights that are the property of the Crown may be leased to applicants at an annual rental of one dollar an acre, payable yearly in advance.

(2) The term of the lease shall be for twenty-one years renewable for further terms of twenty-one years each so long as the location is capable of producing petroleum or natural gas in commercial quantity.

(3) Each lease is subject to all the provisions of this Act and the regulations in force from time to time during its currency, and each renewal thereof shall be granted in accordance with the provisions of this Act and the regulations in force at the time of the granting of such renewal and is subject to all of the provisions of this Act and the regulations in force from time to time during its currency.

[R.S.A. 1955, c. 204, s. 235]

Size and
shape of
location

236. (1) A location shall be square or rectangular in shape.

(2) The maximum area of a location in the form of a square shall be nine sections or five thousand seven hundred and sixty acres and in the form of a rectangle shall be eight sections or five thousand one hundred and twenty acres.

(3) Except as otherwise provided in sections 237, 265 and 267 the minimum area of a location shall be a quarter section.

(4) The maximum length of the tract shall be four miles and in no case shall the length exceed twice the breadth.

[R.S.A. 1955, c. 204, s. 236]

237. (1) If the tract applied for is situated in surveyed territory, it shall consist of sections or quarter-sections. Description
in surveyed
territory

(2) Notwithstanding subsection (1) of this section and subsections (1) and (4) of section 236, an application for a lease out of a reservation may comprise a legal subdivision or adjoining legal subdivision or any portion of a legal subdivision if the holder of the reservation submits evidence satisfactory to the Minister that he has the right to the petroleum or natural gas in the balance of the legal subdivision.

(3) The lease granted remains in force so long as the lessee continues to have the right to the petroleum or natural gas in the balance of the legal subdivision and complies with the provisions of this Act.

(4) For the purposes of applications for leases and the establishment of the relative Crown reserves, where a portion of the lands within a township are surveyed, the Minister, in his discretion, may deal with land located within one mile of a line shown as surveyed on an approved plan of survey of the township as if it were territory surveyed into sections, quarter-sections and legal subdivisions.

[R.S.A. 1955, c. 204, s. 237]

238. (1) In unsurveyed territory the tract shall be laid out with boundary lines running north and south and east and west astronomically and the measurements thereof shall be horizontal. Description
in
unsurveyed
territory

(2) The length and breadth of the tract shall be two thousand six hundred and forty feet each or multiples thereof.

(3) The tract may be laid out with the longer boundary lines running north and south or east and west.

[R.S.A. 1955, c. 204, s. 238]

239. No lease shall be granted to any applicant who is indebted to the Province for royalty on petroleum or natural gas. Applicant
indebted to
Province

[R.S.A. 1955, c. 204, s. 239]

240. (1) Application for a lease of petroleum and natural gas rights shall be filed by the applicant in person with the Mining Recorder for the district in which the rights applied for are situated. Application
filed
personally

(2) Where the applicant holds the rights under reservation, any application for a lease or leases shall be filed by the applicant with the Director of Mineral Rights.

Marking
location

244. (1) When the tract has been defined, the locator shall mark out immediately, by blazing trees and cutting underbrush, the line between each of the posts so that it can be distinctly seen in a timbered locality, and in a locality where there is neither timber nor underbrush he shall set posts or erect mounds of earth or rock in such manner that the line can be distinctly seen.

(2) In a timbered locality an area of ten feet square shall be cleared around each post by cutting the underbrush so that the post shall be clearly discernible at a reasonable distance. [R.S.A. 1955, c. 204, s. 244]

Witness
post

245. Where at a corner of the tract the nature or conformation of the ground renders the planting or erection of a post impracticable, the corner may be indicated by planting or erecting at the nearest practicable point a witness post, which shall bear the same marking as that prescribed for the corner post at that corner together with the letters "W.P." at the top thereof and an indication of the direction and distance of the site of the true corner from the witness post. [R.S.A. 1955, c. 204, s. 245]

Disputes

Disputes

246. Where two or more persons lay claim to the same tract situated in unsurveyed territory, the person who proves to the satisfaction of the Minister that he was the first to take possession of the tract in dispute by staking in the manner prescribed and that he made application for a lease within the specified time has the right to the lease. [R.S.A. 1955, c. 204, s. 246]

Surveys

Surveys

247. (1) If for any reason the Minister considers it necessary or advisable to have a survey or re-survey made of any tract applied for or location leased to determine the exact position of the tract or location, or in order to settle any dispute that may arise respecting the same, he may direct that such a survey or re-survey be made by an Alberta land surveyor under proper instructions.

(2) The Minister may require payment in advance of the costs of the survey or re-survey to be made by the applicant for or the recorded owner of the tract or location to be surveyed in whole or in part, or the Minister may require such portion of the payment of the costs as seems to him just.

(3) If the applicant or lessee fails to make such payment in advance when called upon to do so by the Minister, the Minister in his discretion may cancel the application or lease.

(4) The surveyor shall file with the Department plans, notes and any other information that may be required to determine the exact position of the location and the Department shall give a copy of such information to the applicant or lessee, as the case may be. [R.S.A. 1955, c. 204, s. 247]

248. Where it has been ascertained upon examination of a location that a boundary or boundaries do not conform to the requirements of this Part, an Alberta land surveyor may, under instructions from the Minister, replace or substitute any post other than the initial post. Replacing posts
[R.S.A. 1955, c. 204, s. 248]

249. (1) As soon as the location comprising a petroleum and natural gas lease or any portion thereof embraces areas that have been surveyed, the Minister after consultation with the lessee may amend the description by describing the surveyed areas by sections, quarter-sections or legal subdivisions. Amendment of description when lands surveyed

(2) The decision of the Minister as to the surveyed lands to be included in the lease is conclusive and final and there is no appeal therefrom. [R.S.A. 1955, c. 204, s. 249]

Work Required to be Done

250. (1) The lessee shall, within one year from the date of the lease, have upon the lands described therein such machinery and equipment suitable for carrying on drilling operations as the Minister may consider necessary. Work required to be done

(2) The lessee shall within the same period furnish evidence supported by affidavit and showing the type, quantity and value of the machinery so installed, the date of its installation and the particular parcel of land upon which it is installed. [R.S.A. 1955, c. 204, s. 250]

251. The lessee shall commence drilling operations on the location within one year from the date of the lease and he shall continue such drilling operations with reasonable diligence to the satisfaction of the Minister with a view to the discovery of petroleum or natural gas. Commencement of drilling
[R.S.A. 1955, c. 204, s. 251]

252. Upon the abandonment of a well the lessee shall commence the actual work of drilling another well on the location within six months unless the Minister has given his consent in writing to the suspension of the drilling operations, and prescribed the terms on which his consent has been granted. Abandonment of well
[R.S.A. 1955, c. 204, s. 252]

253. Upon the completion of a well the lessee shall within ninety days commence the actual work of drilling another well on the location unless the Minister has given his consent Completion of well

in writing to the suspension of the drilling operations, and prescribed the terms on which his consent has been granted.
[R.S.A. 1955, c. 204, s. 253]

Regulations

254. The Lieutenant Governor in Council at any time may make regulations requiring additional drilling to be conducted on a location or group in the search for petroleum or natural gas having due regard to market requirements and the maintenance of adequate reserves.

[R.S.A. 1955, c. 204, s. 254]

Application
to defer
drilling
obligations

255. (1) Where a lease is subject to cancellation by reason of the lessee's failure to perform any of the drilling required to be done, the lessee may apply to the Minister to have the drilling obligations deferred for one year.

(2) The Minister, in his discretion, may refuse the application or grant it upon such terms and conditions and subject to payment of such further fees, penalties and additional rentals as the Minister may prescribe either generally or in any specified case.

(3) The applicant may apply from year to year for further deferments of his drilling obligations, but each such application is subject to subsection (2).

[R.S.A. 1955, c. 204, s. 255]

Acreage
rental on
natural
gas field

256. (1) When a lessee in the search for petroleum claims to have made a discovery of natural gas that indicates the area to be a natural gas field, and through drilling of wells adequately spaced to the satisfaction of the Minister reasonably delimits the field within the confines of his lease or leases and thereby substantiates his claim, the lessee shall thereafter pay to the Minister an annual rental of fifty cents an acre payable yearly in advance so long as the location is capable of producing natural gas.

(2) Before the reduction in rental becomes effective, the Minister may require the lessee to drill a well in the search for oil at a point and to a formation fixed by the Minister.

(3) So long as an adequate market or a market in which the lessee may participate is not available, the Minister, upon being satisfied of such facts, may further reduce the rental of the location to an annual rental of twenty-five cents an acre.

(4) During the year in which the further reduced rental is accepted by the Minister, the lessee is relieved from the development requirements of his lease.

(5) If a discovery of petroleum is made in any subsequent well drilled, the provisions of this section become null and void immediately, and the lease reverts to its original status.

[R.S.A. 1955, c. 204, s. 256]

257. (1) In the event of petroleum being produced on lands held in freehold in a well directly offsetting a location, the lessee shall, within ninety days of the date of such well coming into production commence the drilling of a well on the location to offset the producing well and shall drill the same continuously and diligently to the strata where the petroleum was discovered. Offset wells

(2) The Minister may from time to time extend the time for the commencement of the drilling of such offset well.

(3) In the event of natural gas being produced on lands held in freehold in a well directly offsetting a location, the Minister, having due regard to market requirements and after consultation with the lessee, may require the lessee to commence the drilling of a well within such period as may be determined by the Minister on the location to offset such producing well and the lessee shall drill the same continuously and diligently to the strata where the natural gas was discovered. [R.S.A. 1955, c. 204, s. 257]

Terms and Conditions of Lease

258. (1) The prescribed fee and the rental for the first year shall accompany each application for a lease. Fee and rental

(2) The fee and rental shall be refunded if the rights applied for are not available, but not otherwise.

[R.S.A. 1955, c. 204, s. 258]

259. (1) The lease shall bear the date of issue, which shall also be the commencement of the term but, where the application follows a reservation, the term of the lease shall commence on the day the application was made. Date and term

(2) If during the term of the lease the lessee fails to pay rental in advance for each subsequent year within thirty days after the date upon which the same became due, whether demand is made or not, the Minister, in his discretion, may cancel the lease. [R.S.A. 1955, c. 204, s. 259]

260. (1) A lessee who has acquired more than one petroleum and natural gas lease may for development group such of his leases as have any part of their location within the radius of three miles of the projected well site, but not more than eighteen sections or eleven thousand five hundred and twenty acres shall be included in any group. Grouping leases for development

(2) The group terminates immediately upon the discovery of petroleum.

(3) A well drilled on a location contained in a group shall fulfil the drilling obligations on the group in the same manner as the drilling of a well on a location pursuant to sections 250, 251 and 252.

(4) Where the lessee suspends operations for a period greater than six months without having first obtained the consent of the Minister, the suspension immediately terminates the group. [R.S.A. 1955, c. 204, s. 260]

Relinquish-
ing lease
or a portion
thereof

261. (1) A lessee may relinquish his lease at any time or with the consent of the Minister may relinquish at any time or from time to time any portion of the location described in the lease.

(2) The portion of the location to be retained

(a) shall conform to section 236, or

(b) if a well on the location is capable of producing petroleum or natural gas in commercial quantity, shall be the spacing unit of the well.

(3) Notwithstanding subsection (2), where a lessee has been served with a notice requiring him to drill a well to offset a petroleum or natural gas well in accordance with section 257, he may relinquish that portion of the location that would be the spacing unit of the offset well.

[R.S.A. 1955, c. 204, s. 261; 1957, c. 51, s. 22]

Rights
granted
with lease

262. (1) The lease grants the right to the petroleum and natural gas that are the property of the Crown in the location.

(2) Notwithstanding subsection (1) the lease does not grant the right to bituminous sands or to the petroleum or natural gas that may be recovered therefrom.

[R.S.A. 1955, c. 204, s. 262; 1957, c. 51, s. 23]

Form of
lease

263. The lease shall be in such form as may be determined by the Minister and may include a condition providing that the natural gas produced shall be used or processed within the Province, and such other conditions, provisions, restrictions and stipulations as the Minister may prescribe.

[R.S.A. 1955, c. 204, s. 263]

Transfer of Rights

264. Repealed. (1957, c. 51, s. 24)

Spacing unit
of well

265. Where a well has been drilled on a location the lessee may, within the consent in writing of the Minister, transfer to himself or to any other person the portion of the location comprising the spacing unit of the well.

[R.S.A. 1955, c. 204, s. 265; 1957, c. 51, s. 25]

Transfer of
unsurveyed
territory

266. Where the location is situate in unsurveyed territory and the lessee wishes to transfer a portion of it after obtaining the consent of the Minister, the lessee shall have a survey made of the new location in accordance with the provisions of section 247 and the survey shall be confined within the boundaries of the original tract.

[R.S.A. 1955, c. 204, s. 266; 1957, c. 51, s. 26]

Unit Operation

267. Where the Crown is a party to a unit operation, the area of the unit shall be deemed a location for the purpose of determining the rate of royalty applicable to the portion of the production allocated to any tract contained in an agreement.

[R.S.A. 1955, c. 204, s. 267; 1957, c. 51, s. 27]

Rate of
royalty

Royalty

268. (1) The petroleum and natural gas from any location acquired under this Act is subject to the payment to the Crown of such royalty thereon as may from time to time be fixed by the Lieutenant Governor in Council.

Royalty

(2) The royalty shall be collected in such manner as may be prescribed by the Minister.

(3) If the lessee fails or neglects to make prompt payment of the royalty the Minister may cancel the lease.

[R.S.A. 1955, c. 204, s. 268]

269. The maximum royalty payable on the petroleum during the first term of any lease issued pursuant to this Act shall not exceed one-sixth of the gross recovery from the location.

Maximum
royalty

[R.S.A. 1955, c. 204, s. 269]

270. Where the spacing unit of a well is only partially contained in a location, the royalty to be paid to the Crown shall be in the proportion that the acreage of the part of the spacing unit contained in the location bears to the whole acreage of the spacing unit, and if the well is not on the location, it shall be deemed to be on the location.

Payment of
royalty

[R.S.A. 1955, c. 204, s. 270; 1957, c. 51, s. 28]

271. (1) When petroleum or natural gas is obtained from any well, the lessee or his agent authorized in writing shall, not later than the twenty-fifth day of the month, file with the Department, on forms prescribed by the Minister, a full report of the production during the preceding month.

Report of
production

(2) If, after the lessee of the location has been requested in writing to forward any overdue report, the Minister deems it necessary to send an officer of the Department to secure the same, the Minister may charge to the lessee the expenses incurred in connection with securing the report.

(3) If the lessee fails or neglects to make payment of the expenses so incurred the Minister may cancel the lease summarily.

(4) If a person attempts by making false statements to defraud the Crown of any part of the revenue thus provided for the Minister in his discretion may cancel the lease summarily.

(5) In respect of the facts as to fraud or false statements or non-payment of royalty, or failure to furnish reports the decision of the Minister is final.

[R.S.A. 1955, c. 204, s. 271]

Miscellaneous

Control of
location

272. The Minister may at any time assume absolute possession and control of any location, together with all buildings, works, machinery, and plant upon the location, or used in connection with the operation thereof, if, in the opinion of the Lieutenant Governor in Council, such action is considered necessary or advisable, and the Minister may cause the same to be operated and may retain the whole or any part of the output, in which event compensation shall be paid to the lessee in such sum or sums as may be fixed by the Minister for any loss or damage sustained by the lessee by reason of the exercise of the powers conferred by this section.

[R.S.A. 1955, c. 204, s. 272]

Abandon-
ment

273. (1) The consent of the Minister or his duly authorized representative shall be obtained before the commencement of any action for the abandonment of a well whether or not petroleum or natural gas has been produced therefrom.

(2) Before giving his consent to the abandonment of a well the Minister or his duly authorized representative may require a lessee to conduct such further operations as the Minister may deem necessary and prescribe the time in which such operations are to be performed.

(3) On the failure of the lessee to perform any requirement under subsection (2), the Minister may withdraw from the agreement the portion of the location comprising the spacing unit.

(4) Upon the withdrawal by the Minister of a portion of a location from an agreement under subsection (3) the lessee and every other person

- (a) cease to have any rights in and to the portion of the location so withdrawn,
- (b) are not entitled to any compensation whatsoever, and
- (c) are relieved from further responsibility for the well. [R.S.A. 1955, c. 204, s. 273; 1957, c. 51, s. 29]

Removal of
machinery
from oil or
gas well

274. No person shall remove any machinery, tools, plant, equipment or operating structure or disturb any part of the casing at any well or upon any petroleum and natural gas location without the authority of the Minister in writing, unless there has been compliance with the provisions of *The Oil and Gas Conservation Act*, and the regulations thereunder and unless all arrears of rent, royalty, interest or other moneys due to the Crown by the lessee for such location have been fully paid.

[R.S.A. 1955, c. 204, s. 274; 1957, c. 51, s. 30]

275. When a petroleum and natural gas application, reservation, or lease is cancelled in the records of the Department, the rights described in such application, reservation or lease shall not be made available for disposition until notice has been given in such form as the Minister may direct. Cancellation of petroleum and natural gas application

[R.S.A. 1955, c. 204, s. 275]

276. The Lieutenant Governor in Council may make such regulations as may appear to be necessary or expedient for the administration of this Part and to carry out its provisions according to their true intent. Regulations

[R.S.A. 1955, c. 204, s. 276]

Crown Reserves

277. The petroleum and natural gas rights that are the property of the Crown in the areas hereinafter described are constituted Crown reserves: Crown reserves constituted

- (a) fractional areas that cannot be acquired by lease under section 236;
- (b) the areas within the following provincial reserves:
 - (i) Clear Hills area: commencing at the north-east corner of township 92, range 7, west of the 6th meridian; thence south to intersection with left bank of Peace River; thence westerly along left bank of Peace River to intersection with provincial boundary; thence northerly to intersection of north boundary of township 92; thence easterly to point of commencement;
 - (ii) Marten Hills area: townships 73, 74, 75 and 76, ranges 20 to 26, inclusive, west of the 4th meridian and townships 73, 74, 75 and 76, ranges 1 to 7, inclusive, west of the 5th meridian;
 - (iii) Big Bend area: townships 65, 66, 67 and 68, ranges 24, 25 and 26, west of the 4th meridian;
 - (iv) Sand River area: townships 67 to 72 inclusive, ranges 3 to 8 inclusive, west of the 4th meridian;
 - (v) Smoky River area: townships 56 to 61 inclusive, ranges 1 to 9 inclusive, west of the 6th meridian;
 - (vi) Kaybob area: townships 61 to 64 inclusive, ranges 18, 19 and 20, west of the 5th meridian;
 - (vii) Virginia Hills area: townships 61 to 68 inclusive, ranges 7 to 13 inclusive, west of the 5th meridian;
 - (viii) Cynthia area: townships 49 to 52 inclusive, ranges 10 to 14 inclusive, west of the 5th meridian;
 - (ix) Alhambra area: townships 37 to 42 inclusive, ranges 5, 6 and 7, west of the 5th meridian;

- (x) Dorothy area: townships 27 to 30 inclusive, ranges 14, 15 and 16, west of the 4th meridian;
- (xi) Acadia area: townships 23 to 27 inclusive, and lying north of the Red Deer River in ranges 1, 2 and 3, west of the 4th meridian;
- (xii) Grand Forks area: townships 12 and 13, ranges 11 and 12, west of the 4th meridian;
- (xiii) Crow Indian Lake area: townships 5 and 6, ranges 13 and 14, west of the 4th meridian;
- (xiv) Lucky Strike area: townships 3 and 4, ranges 11 and 12, west of the 4th meridian;
- (c) such area in surveyed territory as the Mining Recorder in consultation with the applicant for a lease of a location selects as a Crown reserve, which area shall
 - (i) be as nearly as possible of equal acreage to the location applied for,
 - (ii) be in the same township in which the location or part of the location applied for is situate and in close proximity to it, and
 - (iii) be agreed to by the applicant before his application for the location is accepted;
- (d) such areas of adjoining acreage in unsurveyed territory as may be necessary to create a Crown reserve along each boundary of the location applied for, and equal in breadth to the breadth of the location applied for, but such locations may corner, and a Crown reserve or any part thereof already established may be used to meet the Crown reserve requirements of further locations;
- (e) such areas as may be determined by regulations made, pursuant to section 281, by the Lieutenant Governor in Council and governing the reservation of petroleum and natural gas rights;
- (f) such other areas as may be designated Crown reserves by the Minister.

[R.S.A. 1955, c. 204, s. 277]

Reselection
of Crown
reserves

278. Crown reserves, other than those constituted by clause (b) of section 277, may be reselected or cancelled by the Minister in any township or unsurveyed township, if the acreage that would then remain as Crown reserves in the township or unsurveyed township is not less than the other acreage held under lease from the Crown.

[R.S.A. 1955, c. 204, s. 278]

Crown
reserves

279. No application for a lease of a location shall be taken at the office of the Mining Recorder unless

- (a) in surveyed territory the locations or concentrations of leases in the area in which a location may be taken corner in a checkerboard pattern or are apart one from the other a distance of at least one mile, and

- (b) in unsurveyed territory the applicant has staked his location in a manner permitting the establishment of the Crown reserves.

[R.S.A. 1955, c. 204, s. 279]

280. A Crown reserve may be disposed of at such time and in such manner and upon such terms, conditions and stipulations as may be prescribed by the Lieutenant Governor in Council and, notwithstanding section 269, a disposition under this section may provide for payment to the Province of a share of the products, or of an overriding royalty or of any other consideration in addition to the royalty on petroleum and natural gas prescribed from time to time by the Lieutenant Governor in Council.

Disposition
of Crown
reserve

[R.S.A. 1955, c. 204, s. 280]

Reservations and Licences

281. The Lieutenant Governor in Council may make regulations governing the reservation of petroleum and natural gas rights that are the property of the Crown for geological or geophysical examination or for drilling of wells for geological information, and such regulations may prescribe the manner in which application for leases are to be taken and may provide for the establishment of Crown reserves.

Regulations

[R.S.A. 1955, c. 204, s. 281]

282. (1) The Lieutenant Governor in Council may make regulations governing the granting of licences of natural gas rights that are the property of the Crown, and such regulations may prescribe the terms and conditions of leases to be granted out of rights included in a licence.

Regulations
re natural
gas licences

(2) The Lieutenant Governor in Council may authorize the Minister to grant, upon such terms, conditions and stipulations as may be prescribed, a lease of natural gas rights that are the property of the Crown in lands or zones within lands, if,

Natural
gas lease

- (a) in the opinion of the Lieutenant Governor in Council the natural gas that may be obtained is essential in the operation of a natural gas utility, or
- (b) the location is required to complete a spacing unit for a commercially productive natural gas well.

(3) In a disposition made under this section "natural gas" for purposes other than those dealing with the computation, levy and collection of royalties,

- (a) means the production from any well that, in the opinion of the Oil and Gas Conservation Board, initially produces gas either alone or with oil at a gas-oil ratio of ten thousand cubic feet to the barrel or higher, and
- (b) does not include any production that may be obtained from any well that, in the opinion of the Board, initially produces gas with oil at a lower gas-oil ratio.

[R.S.A. 1955, c. 204, s. 282; 1957, c. 51, s. 31]

PART VII

GEOPHYSICAL AND GEOLOGICAL EXPLORATION

Interpretation

Interpre-
tation

"detailed
geophysical
exploration"
or "detailed
subsurface
geological
exploration"

"geophysical
exploration"
or "geo-
physical
operation"

"preliminary
geophysical
exploration"
or "prelim-
inary sub-
surface
geological
exploration"

"subsurface
geological
exploration"

283. (1) In this Part,

- (a) "detailed geophysical exploration" or "detailed sub-surface geological exploration" means surveys of specifically limited areas for the purpose of obtaining local geologic or geophysical data;
- (b) "geophysical exploration" or "geophysical operation" means any method whereby the art of applying the physical sciences is employed in the determination of geologic conditions that may be favourable for the accumulation or location of minerals;
- (c) "preliminary geophysical exploration" or "preliminary subsurface geological exploration" means exploration by surveys of widespread areas for the purpose of obtaining regional data;
- (d) "subsurface geological exploration" means any method employing shallow drill holes for obtaining geologic data not observable at the surface.

(2) Without restricting the generality of any of the foregoing, in this Part,

"detailed
geophysical
methods"

"geophysical
methods"

"preliminary
geophysical
methods"

- (a) "detailed geophysical methods" include,
 - (i) closely spaced seismic reflection or refraction surveys, and
 - (ii) closely spaced core drilling;
- (b) "geophysical methods" include
 - (i) seismic surveys,
 - (ii) gravimetric surveys,
 - (iii) magnetic surveys,
 - (iv) electrical surveys,
 - (v) geochemical surveys, and
 - (vi) air-borne surveys;
- (c) "preliminary geophysical methods" include
 - (i) gravimetric,
 - (ii) magnetic,
 - (iii) electrical,
 - (iv) seismic profiling,
 - (v) regional core drilling, and
 - (vi) use of air-borne equipment.

[R.S.A. 1955, c. 204, s. 283]

Application of Part

Application
of Part

284. This Part applies to all lands in the Province.

[R.S.A. 1955, c. 204, s. 284]

General

285. (1) A person desiring to undertake geophysical or subsurface geological exploration shall obtain a licence to do so from the Director of Mineral Rights. Licence for exploration

(2) The licence shall expire on the thirty-first day of March following the date of issue, and may be renewed upon such terms and conditions as the Minister may deem expedient.

(3) The prescribed fee shall be paid for each licence or renewal. [R.S.A. 1955, c. 204, s. 285]

286. Where the applicant desires to conduct preliminary or detailed geophysical or subsurface geological exploration, an application for a licence shall be made in writing to the Director of Mineral Rights and indicate the type of the exploration to be undertaken. Application for licence

[R.S.A. 1955, c. 204, s. 286]

287. (1) The licensee shall supply to the Oil and Gas Conservation Board, not later than three months following the termination of the licence, a complete copy of every electrolog and every other log or survey taken of each hole logged or surveyed, together with all pertinent data. Reports

(2) The licensee shall supply to the Director of Mineral Rights, at the time specified by regulations established pursuant to section 293, any plans, reports or other data required by the regulations.

(3) Where any underground water or gas occurrences are observed in drilling, the licensee shall supply to the Director of Mineral Rights, not later than three months following the termination of the licence, a report of the water occurrences and a report of the gas occurrences, setting out in each report the location including co-ordinates of each hole, the ground elevation at the hole and the depth to each aquiferous or gas horizon, as the case may be.

(4) Where any form of exploration not entailing the drilling of holes is conducted, the licensee, not later than three months following the termination of the licence, shall supply to the Director of Mineral Rights a map or maps showing the area covered by such exploration.

[R.S.A. 1955, c. 204, s. 287; 1957, c. 51, s. 32]

288. The licensee shall report monthly to the Department the location and progress of the field party conducting the exploration. Report to Department

[R.S.A. 1955, c. 204, s. 288]

289. If any licensee withdraws from the Province and discontinues doing business in the Province all preliminary or detailed geophysical data and subsurface geological data Data become property of Province

obtained by him becomes the property of the Province and may be used after one year in any manner that may expedite development of the natural resources.

[R.S.A. 1955, c. 204, s. 289]

290. Repealed. (1957, c. 51, s. 33)

Cash deposit

291. (1) The applicant, before the issue of a licence, shall furnish a cash deposit to the Provincial Treasurer in the sum of one thousand dollars as security that all operations will be conducted in accordance with this Act and the regulations made from time to time.

(2) The cash deposit shall be refunded to the licensee upon evidence being furnished, satisfactory to the Minister, that the operations were conducted in accordance with this Act and the regulations.

(3) Where the applicant has a sum of one thousand dollars in cash on deposit with the Provincial Treasurer, such sum may, in the discretion of the Minister, be deemed sufficient to satisfy the requirements of subsection (1).

[R.S.A. 1955, c. 204, s. 291]

Cancellation
of licence

292. In case of default by the licensee in the due observance or compliance with any of the provisions of this Act, the Minister may at any time cancel the licence and thereupon the cash bond shall be forfeited.

[R.S.A. 1955, c. 204, s. 292]

Regulations
re geo-
physical and
geological
exploration

293. The Lieutenant Governor in Council may make regulations

- (a) governing geophysical and geological exploration in water covered areas,
- (b) governing the methods and manner in which geophysical exploration may be conducted, and
- (c) to facilitate the administration of this Part and to carry out its provisions according to their true intent.

[R.S.A. 1955, c. 204, s. 293]

Offence and
penalty

294. A person who contravenes any of the provisions of this Part is guilty of an offence and liable upon summary conviction to a fine, which,

- (a) in the case of a corporation, shall not exceed one thousand dollars for a single offence, or one hundred dollars a day for a continuing offence, or
- (b) in the case of a natural person, shall not exceed one hundred dollars for a single offence, or twenty dollars a day for a continuing offence.

[R.S.A. 1955, c. 204, s. 294]

PART VIII

REGISTRATION OF TRANSFERS AND
DOCUMENTS

295. In this Part,

- (a) "document" means an instrument pertaining to any right granted under an agreement, other than a transfer;
- (b) "registration" or "register" means
 - (i) the entering in a book authorized by the Minister for that purpose of a transfer or document, and
 - (ii) the endorsing on or the attaching to the agreement affected of a memorandum evidencing an entry under subclause (i);
- (c) "transfer" means an instrument in Form E in the Schedule or to a like effect and capable of registration under section 296. [1957, c. 51, s. 34]

Inter-pretation
"document""registra-
tion"
"register"

"transfer"

296. (1) A transfer with respect to an agreement that the lessee is not prohibited from transferring or agreeing to transfer by any provision of this Act or any regulation or by the terms of the agreement, may be registered by the Minister if the transfer conveys

Registration
of transfer

- (a) the whole of the agreement,
- (b) a specified undivided interest in the agreement, or
- (c) a portion of the location contained in the agreement.

(2) The Minister may in his discretion refuse to register a transfer submitted for registration, if

- (a) it is not executed by the transferor and the transferee in such manner and accompanied by such proof of execution as is satisfactory to the Minister,
- (b) registration thereof would result in more than five persons being the holder of the agreement,
- (c) an undivided interest conveyed is less than a ten per cent undivided interest in the agreement, or
- (d) the prescribed fee is not paid.

(3) If a transfer is executed by an attorney or agent, the authority of the attorney or agent in a form satisfactory to the Minister shall be submitted to the Minister.

(4) Before a transfer may be registered the lessee's copy of the agreement shall be submitted to the Minister.

(5) On the registration of a transfer, the transferee becomes the holder of the estate, right and interest so transferred.

(6) A transfer registered under this Part is valid against and prior to any unregistered transfer.

(7) In so far as a transfer affects the Crown, the transfer shall be deemed to take effect from the time of its registration.

[R.S.A. 1955, c. 204, s. 295; 1957, c. 51, s. 34]

Transfer of
agreement

297. (1) A lessee may transfer an agreement to himself and another person or persons, and upon registration of the transfer is entitled to the interest that the transfer purports to convey to him to the same extent as if he were not the transferor.

(2) Two or more persons, being the lessee of an agreement, may transfer the agreement to one or more of them, who upon registration of the transfer are entitled to the interest that the transfer purports to convey to him or them to the same extent as if he or they were not the transferor. [R.S.A. 1955, c. 204, s. 298; 1957, c. 51, s. 34]

Regulations

298. The Lieutenant Governor in Council may make regulations

- (a) providing for the registration of documents,
- (b) prescribing the nature of the documents that may be registered, and
- (c) prescribing the conditions under which documents may be registered.

[R.S.A. 1955, c. 204, s. 296; 1957, c. 51, s. 34]

Agreement
as security

298a. Where, by a document made pursuant to section 82 of *The Bank Act* (Canada), an agreement from the Crown with respect to petroleum or natural gas or both or any interest therein is assigned, transferred or set over as security to a chartered bank by the holder of the agreement or by a person having an interest therein, there may be registered by the Minister upon payment of the prescribed fee

- (a) an original of the document,
- (b) a copy of the document certified by an officer or employee of the bank to be a true copy thereof, or
- (c) a caveat in respect to the rights of the bank.

[R.S.A. 1955, c. 204, s. 297; 1957, c. 51, s. 34]

Tariff of
fees

298b. The Lieutenant Governor in Council may from time to time establish a tariff of fees pertaining to

- (a) the registration of transfers,
- (b) the registration of documents, and
- (c) any services supplied by the Department in connection with transfer and documents.

[R.S.A. 1955, c. 204, s. 297; 1957, c. 51, s. 34]

PART IX

UNIT OPERATION OF MINERALS

299. In this Part,

(a) "tract" means

Interpre-
tation
"tract"

(i) a location or mineral claim, or

(ii) a parcel comparable to a location or a mineral claim owned in fee simple;

(b) "unit operation" means an operation in which a number of tracts are merged, pooled, consolidated or integrated as a single unit, without regard to the boundaries of the separate tracts, for operation for

"unit
operation"

(i) the development or production of a mineral within, upon or under the tracts, or any specified stratum or strata or portion thereof within the tracts, or

(ii) the implementing of a program for the conservation of the mineral, or the co-ordinated management of interests in the mineral.

[R.S.A. 1955, c. 204, s. 299]

300. (1) The Lieutenant Governor in Council may authorize the Minister to enter into an agreement for a unit operation.

Agreement
for unit
operation

(2) Notwithstanding the other provisions of this Act or the provisions and terms of any regulation, agreement or mineral claim made pursuant to this Act or *The Provincial Lands Act*, the agreement for a unit operation may provide

(a) for the designation of a person to conduct the unit operation,

(b) for participation in the development of the mineral,

(c) for compensation for interests adversely affected,

(d) that any provision or condition of an agreement or mineral claim, whether a statutory condition or otherwise, will be nullified, changed or varied to the extent necessary to give effect to the agreement for the unit operation,

(e) that so long as operations are conducted in accordance with the agreement for the unit operation the operational requirements with respect to each location or mineral claim in so far as they relate to the location or mineral claim or part thereof within the unit operation will be deemed to have been met,

(f) that the product allocated by the agreement for the unit operation to a tract will be deemed to have been produced from the tract,

- (g) that production of a mineral in accordance with the agreement for the unit operation will be deemed to be production in commercial quantity from any tract covered by the agreement when such production is necessary to entitle the holder of an agreement or mineral claim to an extension or renewal of his agreement or mineral claim, and
- (h) for such other matters as the Minister deems necessary or advisable.

(3) Notwithstanding the other provisions of this Act or the provisions and terms of any regulation, agreement or mineral claim, where in the opinion of the Lieutenant Governor in Council it is desirable to do so, the Lieutenant Governor in Council may authorize the Minister to enter into an agreement for calculation of the royalty payable on the mineral produced under the unit operation in respect of any tract that is subject to the payment of a royalty to the Crown.

[R.S.A. 1955, c. 204, s. 300]

Division of
location in
case of unit
agreement

301. Where a location or mineral claim is partly within and partly outside an area that is subject to an agreement for a unit operation, the Minister may, notwithstanding the provisions of this Act, or any regulations made under the authority of this Act, require that the location or mineral claim be divided so that each location or mineral claim resulting from the division will be as nearly as possible either within of outside such area.

[R.S.A. 1955, c. 204, s. 301]

Minerals
subject to
agreement

302. If an agreement is entered into pursuant to section 300 the minerals that are the property of the Crown and affected by the agreement, and any interest in the minerals, are subject to the terms and conditions of the agreement so long as the agreement is in effect.

[R.S.A. 1955, c. 204, s. 302]

Agreement
for injection
or under-
ground
storage

303. (1) The Lieutenant Governor in Council may authorize the Minister to enter into an agreement for the injection, storage, recycling or reproduction in or from an underground formation of any mineral substance or water.

(2) The provisions of sections 300, 301 and 302 apply, in so far as they are applicable, to an agreement made under this section.

[R.S.A. 1955, c. 204, s. 303]

PART X

BITUMINOUS SANDS

Bituminous
sands

304. (1) If any question arises as to the meaning of bituminous sands given in clause (c) of subsection (1) of section 2, the question shall be referred to the Minister whose decision thereon is final.

(2) In this Part "bituminous sands rights" means

"bituminous
sands
rights"

- (a) the right to mine, quarry, work, remove, treat or process bituminous sands including the recovery of any products therefrom whether above or below the surface, and
- (b) the right to dispose of bituminous sands and any products recovered therefrom.

[R.S.A. 1955, c. 204, s. 304; 1957, c. 51, s. 35]

305. The Lieutenant Governor in Council may make regulations governing disposition by lease, licence or permit of bituminous sands rights. [R.S.A. 1955, c. 204, s. 305]

Regulations

306. The Minister may

Powers of
Minister

- (a) prohibit the conduct of any operation to recover bituminous sands that would, in his opinion, preclude or render more difficult the recovery of other bituminous sands recoverable by practical and reasonable operations, or
- (b) grant, on such terms as he may prescribe, a deferment of any obligation in a lease of bituminous sands rights to a lessee who has entered into an agreement satisfactory to the Minister with any other holder of bituminous sands rights to contribute to or assist in the performance of a similar obligation of such other holder.

[R.S.A. 1955, c. 204, s. 306]

SCHEDULE.

Schedule

FORM A

Form A

(Section 24 (2))

DEPARTMENT OF MINES AND MINERALS.

NOTIFICATION FOR ISSUE OF CERTIFICATE OF TITLE.

The Registrar,
Land Titles Office,

....., Alberta.

The undernamed is entitled to the issue of Certificate of Title in.....favour for the mineral hereinafter mentioned which may be found to exist within, upon or under the following land, together with full power to work the same:

Description

Name

Address

Occupation

Mineral granted

Nature of grant

Remarks

Date day of, 19.....
 Requisition No.
 Countersigned by

.....
Director of Mineral Rights

.....
*Deputy Minister of Mines
 and Minerals*

[R.S.A. 1955, c. 204, Schedule, Form A]

Form B

FORM B.
 (Sections 86 and 87)

DEPARTMENT OF MINES AND MINERALS.

QUARTZ MINING.

APPLICATION FOR A FULL CLAIM AND AFFIDAVIT OF
 APPLICANT.

.....Mining District.

I, of
 in theMining District, make oath and say:

1. That on the day of 19....., I
 located the mineral claim situated

(Here describe the position of the claim as nearly as possible,
 giving the name or names of any mineral claims it may
 adjoin.)

2. That I have placed posts No. 1 and No. 2 of the legal
 dimensions on the said claim with the inscription on each
 post prescribed by *The Mines and Minerals Act*.

3. That I have inscribed on post No. 1 the following.....

4. That I have inscribed on post No. 2 the following.....

(If a witness post has been used the particulars as to such
 post should be fully set out.)

5. That I have marked the line between post No. 1 and
 post No. 2 as required by section 76 of the Act.

6. That to the best of my knowledge and belief the ground
 comprised within the boundaries of the said claim or any
 part thereof is not staked by any other person as a mineral
 claim and that I have not contravened the provisions of
 section 63 of the Act.

7. That I attach hereto a plan of the claim as required by
 section 78 of the Act.

SWORN and subscribed to }
 at }
 this.....day of.....19.... }

.....
Mining Recorder.

[R.S.A. 1955, c. 204, Schedule, Form B]

FORM C.

Form C

(Sections 86 and 87)

DEPARTMENT OF MINES AND MINERALS.

QUARTZ MINING.

APPLICATION FOR FRACTIONAL CLAIM AND AFFIDAVIT OF APPLICANT.

.....Mining District.

I, of
 in the.....Mining District, make oath and say:

1. That on the.....day of.....19....., I
 located the.....fractional mineral claim situated

2. That this fractional claim is bounded on the north by
on the south by.....on the east by.....
 and on the west by.....and is more particularly de-
 scribed on the plan attached hereto as required by section
 78 of *The Mines and Minerals Act*.

3. That I have placed posts No. 1 and No. 2 of the legal
 dimensions on the said claim with the inscription on each
 post prescribed by the Act.

4. That I have inscribed on post No. 1 the following.....

5. That I have inscribed on post No. 2 the following.....

*(If a witness post has been used the particulars as to such
 post should be fully set out.)*

6. That the length of the location line is approximately
feet.

7. That I have marked the line between post No. 1 and
 post No. 2 in the manner prescribed by section 76 of the Act.

8. That to the best of my knowledge and belief the ground comprised within the boundaries of the said fractional claim or any part thereof is not staked by any other person as a mineral claim and I have not contravened the provisions of section 63 of the Act.

SWORN and subscribed to }
at
this day of 19.... }

.....
Mining Recorder.

[R.S.A. 1955, c. 204, Schedule, Form C]

Form D

FORM D.

(Sections 176 and 180)

DEPARTMENT OF MINES AND MINERALS.

PLACER MINING.

APPLICATION FOR CLAIM AND AFFIDAVIT OF APPLICANT.

..... Mining District.
I, of
in the Mining District, make oath and say:

1. That on the day of 19....., I
located the placer claim situated
.....

(Here describe the position of the claim as nearly as possible,
giving the name or names of any placer claims it may
adjoin.)

2. That I have placed posts No. 1 and No. 2 of the legal
dimensions on the said claim with the inscription on each
post prescribed by *The Mines and Minerals Act*.

3. That I have inscribed on post No. 1 the following.....
.....
.....

4. That I have inscribed on post No. 2 the following.....
.....
.....

(If a witness post has been used the particulars as to such
post should be fully set out.)

5. That I have marked the line between post No. 1 and
post No. 2 as required by section 171 of the Act.

6. That to the best of my knowledge and belief the ground comprised within the boundaries of the said claim or any part thereof is not staked by any other person as a placer or mineral claim and that I have not contravened the provisions of section 166 of the Act.

7. That I attach hereto a plan of the claim as required by section 177 of the Act.

SWORN and subscribed to }
at }
this day of 19..... }

.....
Mining Recorder.
[R.S.A. 1955, c. 204, Schedule, Form D]

FORM E

(Section 295)

TRANSFER

BETWEEN:

(give full name, residence and occupation or if a corporation, give corporate name, place of incorporation and principal or chief place of business within the Province of Alberta)

(hereinafter called "the transferor")

— and —

(give full name, residence and occupation or if a corporation, give corporate name, place of incorporation and principal or chief place of business within the Province of Alberta)

(hereinafter called "the transferee")

The transferor, being the holder of
No. dated

(or refer to a Schedule attached)

(hereinafter called "the said agreement(s)"), in consideration of the sum of \$..... and other valuable consideration (payment of which is hereby acknowledged by the transferor), hereby transfers unto the transferee (*state interest transferred*) of the transferor's estate, right and interest held under the said agreement(s) (where a portion of a location in an agreement is transferred give land description).

And the transferee hereby agrees to this transfer to him of the said (agreement(s) or portion of the location described in the said agreement).

And the post office address of the transferee is

Signed, sealed and delivered by

(attesting witness or corporate seal)

Date

(attesting witness or corporate seal)

Date

[1957, c. 51, s. 36]

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1959

CHAPTER 52

An Act to amend The Mines and Minerals Act

(Assented to April 7, 1959)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Mines and Minerals Act*, being chapter 204 of the Revised Statutes, is hereby amended.

2. Section 295 is amended by striking out the words "Form E in the Schedule" where they occur in clause (c) and by substituting the words "Form E, F or G in the Schedule". Section 295
amended

3. The Schedule is amended by striking out Form E and by substituting the following: Schedule
amended

FORM E

(Section 295)

TRANSFER OF AGREEMENT(S)

BETWEEN:

(full name, place of residence and occupation or if a company, full corporate name, place of incorporation and principal or chief place of business within Alberta)

(hereinafter called "the transferor")

— and —

(full name, place of residence and occupation or if a company, full corporate name, place of incorporation and principal or chief place of business within Alberta)

(hereinafter called "the transferee")

The transferor, being the holder of.....

No..... dated (or numbered and dated as follows: or as numbered and dated in the attached Schedule) in consideration of the sum of \$ and other valuable consideration, pay-

ment of which is hereby acknowledged by the transferor,
hereby transfers unto the transferee the said

AND the transferee hereby accepts this transfer.

AND the post office address of the transferee is

Dated this day of 19

(witness)

(transferor)

(witness)

(transferee)

NOTE: Affidavits of execution are required unless executed
under corporate seal.

FORM F

(Section 295)

TRANSFER OF A SPECIFIED UNDIVIDED INTEREST IN AGREEMENT(S) BETWEEN:

*(full name, place of residence and occupation or
if a company, full corporate name, place of
incorporation and principal or chief place of busi-
ness within Alberta)*

(hereinafter called "the transferor")

— and —

*(full name, place of residence and occupation or
if a company, full corporate name, place of
incorporation and principal or chief place of busi-
ness within Alberta)*

(hereinafter called "the transferee")

The transferor, being the holder of (or the holder
of a undivided interest in)
No. dated (or
numbered and dated as follows: or as numbered and dated
in the attached Schedule) in consideration of the sum of
\$..... and other valuable consideration, payment
of which is hereby acknowledged by the transferor, hereby
transfers unto the transferee a undivided
interest in the said (if the trans-
feree consists of more than one person each obtaining a
specified undivided interest, so state).

AND the transferee hereby accepts this transfer.

AND the post office address of the transferee is

Dated this day of 19

(witness)

(transferor)

(witness)

(transferee)

NOTE: Affidavits of execution are required unless executed
under corporate seal.

FORM G

(Section 295)

TRANSFER OF A PORTION OF
THE LOCATION CONTAINED IN AN AGREEMENT
BETWEEN:

*(full name, place of residence and occupation or
if a company, full corporate name, place of
incorporation and principal or chief place of busi-
ness within Alberta)*

(hereinafter called "the transferor")

— and —

*(full name, place of residence and occupation or
if a company, full corporate name, place of
incorporation and principal or chief place of busi-
ness within Alberta)*

(hereinafter called "the transferee")

The transferor, being the holder of
No. datedin consider-
ation of the sum of \$ and other valuable
consideration, payment of which is hereby acknowledged
by the transferor, hereby transfers unto the transferee a
portion of the location contained in the said,
the said portion being described as follows:

.....
AND the transferee hereby accepts this transfer.

AND the post office address of the transferee is

Dated this day of 19.....

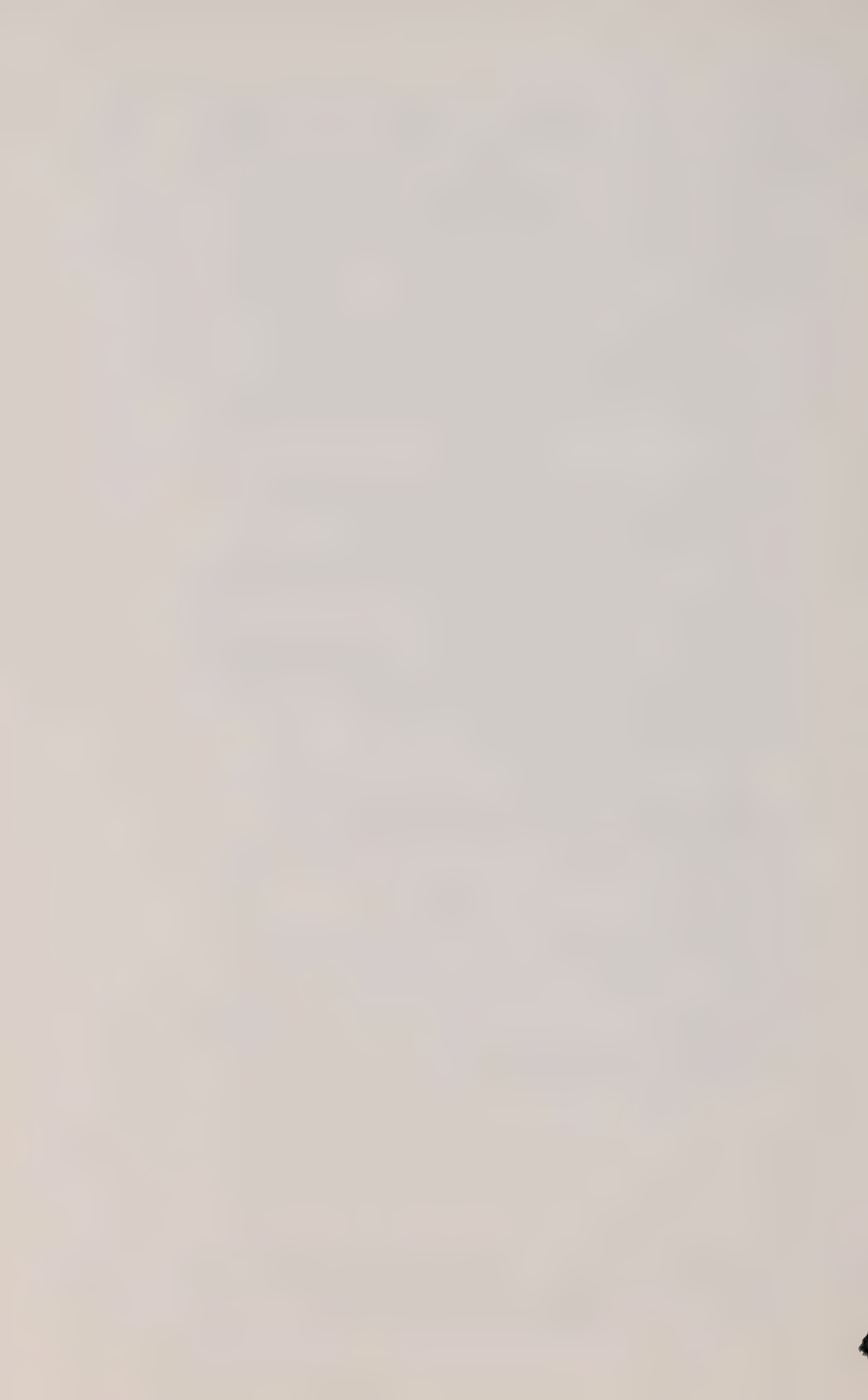
.....
(witness)

.....
(transferor)

.....
(witness)

.....
(transferee)

NOTE: Affidavits of execution are required unless executed
under corporate seal.





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GOVERNMENT OF THE PROVINCE OF ALBERTA

The Mineral Taxation Act

being chapter 203 of The Revised Statutes of Alberta, 1955,
with amendments up to and including 1957

OFFICE CONSOLIDATION

DEPARTMENT OF MINES AND MINERALS

NOTE

All persons making use of this consolidation are reminded that it has no legislative sanction; that the amendments have been embodied only for convenience of reference, and that the original Acts should be consulted for all purposes of interpreting and applying the law.

THE MINERAL TAXATION ACT

CHAPTER 203

An Act to Provide for the Assessment and Taxation of Minerals

1. This Act may be cited as "*The Mineral Taxation Act*". Short title
[R.S.A. 1955, c. 203, s. 1]
2. In this Act, Interpre-
tation
- (a) "assessor" means a person appointed by the Lieutenant Governor in Council to perform the duties of an assessor prescribed by the Act; "assessor"
- (b) "certificate of title" means a certificate of title issued pursuant to the provisions of *The Land Titles Act*; "certificate
of title"
- (c) "Board" means the Alberta Assessment Appeal Board appointed pursuant to *The Assessment Appeal Board Act*; "Board"
- (d) "Department" means the Department of Mines and Minerals; "Depart-
ment"
- (e) "Deputy Minister" means the Deputy Minister of Mines and Minerals; "Deputy
Minister"
- (f) "mineral" "mineral"
- (i) means the right existing in a person by virtue of a certificate of title to work, win and carry away any mineral or minerals within, upon or under the area described in the certificate of title, and also any mineral or minerals that are found to exist within upon or under any land, but
- (ii) does not include sand and gravel that belong to the owner of the surface of land by virtue of *The Sand and Gravel Act*;
- (g) "Minister" means the Minister of Mines and Minerals; "Minister"
- (h) "owner" means a person who is registered in a land titles office as the owner, part owner or one of joint owners of an estate in fee simple in any mineral or minerals whether or not the title to the mineral or minerals is severed in the registry from the title to the surface; "owner"

- "principal mineral" (i) "principal mineral" means a mineral designated by the Minister pursuant to section 7;
- "producing area" (j) "producing area" means
- (i) an area in the Province designated as a producing area by order of the Minister pursuant to section 7,
 - (ii) a quarter section of land according to the system of surveys under *The Alberta Surveys Act* on which or on a portion of which is situated a mine or well from which a mineral is being produced or has at any time during the preceding year been produced,
 - (iii) a river lot or a parcel described by metes and bounds on which or on a portion of which is situated a mine or well from which a mineral is being produced or has at any time during the preceding year been produced.
- (iv) and (v) repealed 1957, c. 50, s. 2.
- "Registrar" (k) "Registrar" means a registrar within the meaning of *The Land Titles Act*;
- "Superintendent" (l) "Superintendent" means the person appointed as Superintendent of Mineral Tax pursuant to *The Department of Mines and Minerals Act*;
- "tract" (m) "tract" means the area described in a certificate of title.

[R.S.A. 1955, c. 203, s. 2; 1957, c. 50, s. 2]

Statement
by mineral
owner

3. A person within thirty days after becoming an owner shall deliver to the Deputy Minister a written statement in which shall be set out

- (a) the legal description of the tract in respect of which he has become the owner of a mineral or minerals,
- (b) the kind or kinds of mineral or minerals, and
- (c) the mineral or minerals, if any, that are being produced or have to his knowledge been produced at any time within the said tract.

[R.S.A. 1955, c. 203, s. 3]

Payment
of tax on
minerals

4. (1) Every owner is liable for, and shall on or before the thirty-first day of December in each year pay to the Minister, a tax on the mineral or minerals within, upon or under the tract of which he is the owner at such rate per acre, not exceeding five cents per acre, as may from time to time be determined by the Lieutenant Governor in Council.

(2) No tax is payable under this section with respect to any mineral or minerals in a tract wholly within the boundaries existing at the thirty-first day of December, 1956, of any city, town or village.

[R.S.A. 1955, c. 203, s. 4; 1957, c. 50, s. 3]

5. If the tax that an owner would have to pay under section 4 is less than twenty-five cents, the amount payable is twenty-five cents. Minimum tax
[R.S.A. 1955, c. 203, s. 5]

6. Where an owner is registered in a land titles office as the owner of a specified undivided interest of less than the whole in a mineral or minerals, he is liable for tax under section 4 in an amount in proportion to his interest, or in the amount of the minimum tax prescribed by section 5, whichever is the greater. Tax on owner of specified interest
[R.S.A. 1955, c. 203, s. 6]

7. (1) The Minister from time to time by order published in *The Alberta Gazette* Designation of producing areas and principal mineral
(a) may designate an area in the Province as a producing area, and
(b) in any such order shall designate the mineral or minerals that for the purpose of this Act are to be deemed to be the principal mineral or minerals in that area.

(2) Where a mineral has been designated as a principal mineral in a producing area pursuant to subsection (1), any such mineral when produced in a producing area other than an area designated by the Minister shall be deemed to be a principal mineral in such non-designated producing area.

(3) The Minister may by order published in *The Alberta Gazette*

- (a) rescind an order designating a producing area, and
- (b) from time to time alter the boundaries of a producing area in any manner that he deems proper.

(4) The Minister may from time to time by order published in *The Alberta Gazette* designate, in addition to the mineral or minerals already designated, any mineral or minerals as principal mineral or minerals in an existing producing area. [R.S.A. 1955, c. 203, s. 7]

8. (1) Every owner of a principal mineral in a producing area is liable to be assessed and to pay a tax levied on the principal mineral under the provisions of this Act. Tax on principal mineral

(2) The tax referred to in subsection (1) is in addition to and not in substitution for the tax imposed by subsection (1) of section 4. [R.S.A. 1955, c. 203, s. 8]

9. (1) The Lieutenant Governor in Council may from time to time appoint a chief assessor for the purpose of this Act and prescribe his remuneration. Appointment of chief assessor

(2) In each year before the first day of June the chief assessor Assessment of principal minerals

- (a) shall assess at the fair actual value each principal mineral in each producing area in the Province, and
- (b) shall cause to be prepared an assessment roll setting out thereon
 - (i) a brief description of the mineral or minerals assessed,
 - (ii) the names and addresses of the owners thereof, and
 - (iii) the assessed values thereof.
- (3) In making an assessment, the chief assessor may
 - (a) take any steps that he considers necessary for the purpose of ascertaining the fair actual value of the assessed minerals,
 - (b) resort to all sources of available information for that purpose, and
 - (c) subject to subsection (5), fix such amount as appears to him to be just and equitable.

Allocation
of specified
area to pro-
ducing well

(4) The Minister by order published in *The Alberta Gazette* may from time to time allocate to a producing well a specified area for the purpose of computing the value in accordance with Schedule A.

Fair actual
value of
mineral

(5) For the purposes of subsection (2) the fair actual value of a mineral for which a method of computing the value is provided by Schedule A is the value computed pursuant to that method.

Right of
entry

(6) The chief assessor or a person duly appointed by him may for a purpose relating to an assessment enter upon and inspect any land or property.

[R.S.A. 1955, c. 203, s. 9]

Unit
operation
agreement

10. (1) If an arrangement is made whereby a mineral within an area comprising more than one tract is to be developed by unit operation of the area, or if such an arrangement is amended or terminated, then a copy of the agreement, order or other document setting out the arrangement under which the unit operation is to be conducted, or the amendment or termination thereof, shall be filed with the chief assessor.

Approval of
Conserva-
tion Board

(2) If the unit operation is for the purpose of producing petroleum or natural gas, the agreement, order or other document shall be accompanied by a duplicate of the order or direction of the Oil and Gas Conservation Board, appointed under *The Oil and Gas Conservation Act*, approving the unit operation.

Assessing
unit
operation

(3) If an agreement, order or other document setting out an arrangement has been filed before the thirty-first day of March in any year, the Minister during such year

- (a) may adopt a unit as such for the purpose of assessment of the fair actual value of tracts comprised in the unit area,
- (b) may, where a part of the unit area is comprised within a producing area, authorize the chief assessor to assess all tracts within the unit area as if they were in the producing area, and
- (c) may allocate the production of each mine or well within the unit area to the whole of the unit area, and authorize the chief assessor to attribute the production among the tracts within the area in such manner as he sees fit.

[R.S.A. 1955, c. 203, s. 10; 1957, c. 50, s. 4]

11. Upon the completion of the assessment roll the chief assessor shall endorse thereon or attach thereto a certificate setting out the date upon which the roll was so completed, and shall sign the roll and deliver it to the Deputy Minister.

Certification
and delivery
of assess-
ment roll

[R.S.A. 1955, c. 203, s. 11]

12. The Deputy Minister on receipt of the assessment roll shall

Posting of
assessment
roll and
mailing of
assessment
notices

- (a) cause a copy of the assessment roll and of the certificate endorsed thereon to be posted up in a conspicuous place to which the public has access
 - (i) in the Department at Edmonton, and
 - (ii) in the Land Titles Office at Calgary,
- (b) keep the copy of the assessment roll and the certificate so posted up for twenty days, and
- (c) within ten days after the posting up of the copy of the assessment roll and the certificate in the Department at Edmonton cause to be sent by mail to each owner whose name appears on the assessment roll
 - (i) an assessment notice containing the particulars appearing in the assessment roll with respect to the mineral or minerals assessed, and
 - (ii) a copy of subsection (1) of section 13.

[R.S.A. 1955, c. 203, s. 12]

13. (1) An owner whose name appears upon the assessment roll may, upon giving the Board and the Deputy Minister notice in writing after the date upon which the assessment notice is mailed and on or before the thirty-first day of July next following, appeal to the Board and may on such appeal apply

Appeal re
assessment

- (a) to have the assessment roll varied and to have altered an assessment shown thereon that the owner alleges to have been wrongfully made or improperly assessed, or to be too high or too low, or

- (b) to have any minerals assessed that the owner alleges are liable to be and have not been assessed, and to have such minerals included in the assessment roll.
- (2) The Deputy Minister may, upon giving the Board notice in writing within thirty days after the date of posting the copy of the assessment roll and the certificate in the Department at Edmonton, appeal to the Board, and on such appeal may apply
 - (a) to have the assessment roll varied and to have altered any assessment shown thereon that the Deputy Minister alleges to have been wrongfully made or improperly assessed, or to be too high or too low, or
 - (b) to have any minerals assessed that the Deputy Minister alleges are liable to be and have not been assessed, and to have such minerals included in the assessment roll.
- (3) If, at any time before the thirty-first day of July, it appears from an appeal or otherwise that any minerals were assessed in the name of the wrong person as owner and that the name of another person should be placed on the assessment roll as owner, the Deputy Minister
 - (a) shall appeal to the Board to vary the assessment roll accordingly, and
 - (b) shall cause to be sent by mail to the other person whose name should be placed upon the assessment roll a copy of the notice of appeal, an assessment notice containing the particulars appearing in the assessment roll with respect to the minerals assessed and a copy of section 13.
- (4) Where proceedings are taken under subsection (3) to include upon the assessment roll the name of a person, that person may appeal to the Board in the same manner and upon the same grounds as if his name had appeared upon the assessment roll when endorsed by the chief assessor.
- (5) A person entitled to appeal under subsection (4) may give his notice in writing to the Board and the Deputy Minister
 - (a) on or before the thirty-first day of July, next following, if the notice prescribed by subsection (3) is sent from the office of the Deputy Minister on or before the fifteenth day of July, or
 - (b) within fifteen days from the date on which the notice prescribed by subsection (3) is sent from the office of the Deputy Minister, if such notice is sent after the fifteenth day of July.

[R.S.A. 1955, c. 203, s. 13; 1957, c. 50, s. 5]

14. (1) As soon as practicable after the thirty-first day of July in each year, the Board Hearing of
appeals

- (a) shall hear all appeals duly filed by owners of minerals and by the Deputy Minister, and
- (b) shall make such disposition of the appeals as the Board deems just.

(2) Repealed 1957, c. 50, s. 6.

[R.S.A. 1955, c. 203, s. 14; 1957, c. 50, s. 6]

15. (1) When the Board has disposed of the appeals mentioned in section 14, the Board Revision of
assessment
roll

- (a) shall revise the assessment roll in accordance with the disposition made by the Board of the appeals, and
- (b) shall cause to be attached to the assessment roll so revised a certificate which may be in Form A in Schedule B.

(2) The assessment roll revised under subsection (1) and each assessment, matter or thing set out therein and the certificate attached thereto

- (a) is conclusive and binding upon all owners mentioned therein or affected thereby, and
- (b) shall not be questioned in any proceedings in any court as to any statement, matter or thing contained therein.

[R.S.A. 1955, c. 203, s. 15; 1957, c. 50, s. 7]

16. (1) Each year upon delivery of the assessment roll and after appeal and revision, if any, the Deputy Minister shall proceed to levy a tax upon the assessed value of all principal minerals in each producing area on the assessment roll as certified by the chief assessor or by the Board and at such rate or rates on the dollar as the Lieutenant Governor in Council may from time to time direct. Levying tax
on principal
minerals

(2) The rates of tax may vary with respect to different minerals in a producing area.

[R.S.A. 1955, c. 203, s. 16; 1957, c. 50, s. 8]

17. If the tax that an owner would have to pay under section 16 with respect to a tract is less than one dollar, the amount payable is one dollar. Minimum:
tax

[R.S.A. 1955, c. 203, s. 17]

18. When the Lieutenant Governor in Council has fixed the rate, the Deputy Minister shall forthwith cause to be sent by mail to each person whose name appears on the assessment roll as the owner of any assessable mineral or minerals a notice Tax notice:

- (a) describing the mineral or minerals assessed,

- (b) stating the amount of tax payable to the Minister in respect of the mineral or minerals,
- (c) containing a demand for the payment of the tax by a specified date, and
- (d) containing a statement of the penalties outlined in subsection (1) of section 23.

[R.S.A. 1955, c. 203, s. 18]

Owner of
specified
interest

19. (1) Where an owner is registered in a land titles office as the owner of a specified undivided interest of less than the whole in a mineral or minerals, any assessment, taxation or proceedings authorized with respect to a mineral or minerals by this Act may be made, levied or taken with respect to his interest in the mineral or minerals in the same manner as if he wholly owned the mineral or minerals and without regard to any other owner of an interest in, or title affecting, the mineral or minerals.

(2) Where more than one owner is registered in a land titles office as the owner jointly or in common of a mineral or minerals, or as the owner jointly or in common of a specified undivided interest of less than the whole in a mineral or minerals all such owners shall be regarded as one owner for the purposes of this Act.

[R.S.A. 1955, c. 203, s. 19]

Cancel-
lation of
titles

20. Where a tax arrears notification has been filed by the Registrar pursuant to subsection (5) of section 25, the Registrar shall not cancel the certificate of title to the mineral or minerals affected by the notification until it is discharged, except only under section 25 or section 27.

[R.S.A. 1955, c. 203, s. 20; 1957, c. 50, s. 9]

Tax
certificate

21. The Deputy Minister or a duly authorized officer, clerk or servant of the Department shall

- (a) if requested make a search in the assessment or tax roll in respect of an assessable or taxable mineral or minerals, and
- (b) if required, upon receipt of a fee of fifty cents, give a certificate under his hand showing
 - (i) whether or not all taxes in respect of the mineral or minerals described in a certificate of title have been paid, and
 - (ii) if such taxes are not paid, the amount of current taxes and arrears payable with respect to the mineral or minerals.

[R.S.A. 1955, c. 203, s. 21]

Statement re
changes of
ownership

22. The Registrar shall at the end of each month furnish the Deputy Minister with a statement showing all changes of ownership of a mineral or minerals that have occurred during the preceding month, and in each such case showing

- (a) the name of the registered owner,
- (b) the mineral or minerals transferred,
- (c) a brief description of the area according to the certificate of title, and
- (d) the date of registration of the transfer.

[R.S.A. 1955, c. 203, s. 22]

23. (1) Where a tax is imposed under section 16 and the whole or any part thereof remains unpaid after the thirty-first day of March in the year following the date of mailing of the notice referred to in section 18, there shall be added thereto by way of penalty a sum equal to five per cent of the unpaid tax. Penalties

(2) Where a tax is imposed under section 4 and the whole or any part thereof remains unpaid after the thirty-first day of March in the following year there shall be added thereto by way of penalty a sum equal to five per cent of the unpaid tax.

(3) When a penalty is added under subsection (1) or subsection (2)

- (a) the penalty forms part of the taxes due, and
- (b) the taxes remaining unpaid are in arrears.

(4) Nothing in this section extends the time for payment of the taxes nor impairs a remedy provided by this Act for the collection of taxes.

[R.S.A. 1955, c. 203, s. 23 ; 1957, c. 50, s. 10]

24. (1) The taxes and penalties payable by a person pursuant to this Act Taxes, etc.
debt due
to Crown

- (a) shall be deemed to be a debt due to the Crown, and
- (b) are recoverable as such in the Supreme Court of Alberta or in any other court of competent jurisdiction in the name of the Crown represented by the Minister.

(2) The taxes and penalties constitute a charge upon the mineral or minerals in respect of which they are payable. Taxes a
charge on
mineral

(3) Such charge has priority over other charges, mortgages, liens or encumbrances except a lien for wages filed under the provisions of *The Mechanics' Lien Act*.

[R.S.A. 1955, c. 203, s. 24]

25. (1) Where the taxes with respect to a mineral or minerals are one year in arrears, whether under the provisions of this Act or a previous *Mineral Taxation Act*, the Deputy Minister, Assistant Deputy Minister or Superintendent may send a notice by registered mail to the owner, at the address set out in the certificate of title covering the mineral or minerals, advising him that unless all taxes and Notice to
mineral
owner when
tax one year
in arrears

penalties due and owing at the time of payment with respect to the mineral or minerals are paid within one year from the date of the mailing of this notice, his certificate of title may be cancelled with respect to such mineral or minerals and title vested in the Crown.

(1a) When a notice is sent under subsection (1), a copy thereof shall be mailed by the Superintendent to each person shown by memorandum on the certificate of title as having an interest in the mineral or minerals at his address indicated in the document referred to in the memorandum.

(2) The Deputy Minister, Assistant Deputy Minister or Superintendent, within thirty days after mailing such a notice to an owner, shall deliver or mail to the Registrar a tax arrears notification in duplicate stating

- (a) the name of the owner to whom the notice was sent,
- (b) the address of the owner to which the notice was sent, and
- (c) the description of the land to which the notice referred.

(3) The tax arrears notification delivered or mailed to the Registrar by the Deputy Minister, Assistant Deputy Minister or Superintendent may be in such form as the Deputy Minister may prescribe.

(4) Where a tax arrears notification relates to more than one owner to whom notices have been sent, the names of the owners, their addresses and the descriptions of their lands may be contained in a schedule to the notification.

(5) The Registrar shall

- (a) file the tax arrears notification,
- (b) endorse a memorandum thereof upon the certificate of title to any land described in the tax arrears notification, and
- (c) return the duplicate copy of the tax arrears notification to the Deputy Minister.

Warning of
cancellation

(6) Unless the taxes have been paid, the Deputy Minister within six months after the mailing of a notice to an owner pursuant to subsection (1) shall cause to be published in one issue of *The Alberta Gazette* a "Warning of Impending Cancellation of Title to Minerals".

(7) The warning may be in Form B in Schedule B and shall contain

- (a) the number of the certificate of title in which the mineral or minerals is contained,
- (b) the name of the registered owner to whom the notice was sent,
- (c) the address of the registered owner to which the notice was sent,

- (d) the description of the land to which the warning referred, and
- (e) the date after which the title may be cancelled if taxes and penalties remain unpaid.

(8) If all taxes and penalties due under this Act together with a fee of three dollars for each certificate of title affected are paid to the Deputy Minister by or on behalf of the owner within one year after the date of the mailing of the notice under subsection (1), the Deputy Minister shall

- (a) pay the fee of three dollars for each certificate of title affected to the Registrar of the appropriate land titles office, and
- (b) instruct the Registrar to discharge the tax arrears notification in respect of each such certificate of title.

(9) The Registrar shall discharge the tax arrears notification forthwith and shall make a memorandum thereof upon each certificate of title affected.

(10) If at the expiration of one year after the date of the mailing of the notice under subsection (1) the taxes and penalties due and owing with respect to the mineral or minerals and the fee of three dollars to discharge the tax arrears notification have not been paid, the Deputy Minister, Assistant Deputy Minister or Superintendent may deliver or mail to the Registrar a notice in Form C in Schedule B and upon receipt of any such notice the Registrar shall cancel the certificate of title of the owner with respect to such mineral or minerals notwithstanding any other Act.

Cancellation
of certificate
of title

(11) When the certificate of title to a mineral or minerals is so cancelled the title to the mineral or minerals vests, free and clear of encumbrances, in the Crown in the right of the Province as represented by the Minister.

(12) When any mineral or minerals for which any prospecting, exploring, drilling or mining operations have at any time been conducted is or are vested in the Crown pursuant to subsection (11), all installations and fixtures, including casing placed within, upon or under the tract in connection with such operations, and being there when the mineral or minerals vested in the Crown, also vest in the Crown free and clear of all encumbrances and become the property of the Crown in the right of the Province as represented by the Minister, irrespective of

- (a) whether or not the casing, installations or fixtures were the property of the owner of the mineral or minerals, and
- (b) whether or not any notice has been delivered or sent to any person owning or having any interest in the casing, installations or fixtures.

[R.S.A. 1955, c. 203, s. 25; 1957, c. 50, s. 11]

Minerals
taxable

26. (1) Until the certificate of title of the owner with respect to the mineral or minerals has been cancelled and title has vested in the Crown under section 25, the mineral or minerals shall continue to be assessed and taxed, or taxed, as the case may be.

(2) Where taxes or any part thereof are in arrears interest shall be charged thereon at the time any payment is made, at the rate of five per cent per annum calculated quarterly.

(3) A payment made on account of taxes with respect to a mineral or minerals in a tract shall be applied

- (a) firstly, on the interest charged, if any,
- (b) secondly, on the taxes in arrears, if any, and
- (c) thirdly, on current taxes.

[R.S.A. 1955, c. 203, s. 26; 1957, c. 50, s. 12]

Transfer to
Crown of
title to
mineral

27. (1) An owner whose title to a mineral or minerals is free and clear of encumbrances other than a charge under section 24 may with the prior consent of the Minister transfer the title to the mineral or minerals to the Crown.

(2) Where there is a transfer of title to a mineral or minerals under subsection (1), the title vests in the Crown, upon the cancellation by the Registrar of the certificate of title of the owner with respect to such mineral or minerals.

(3) Where the title vests in the Crown under subsection (2), the taxes and penalties outstanding against the mineral or minerals under the provisions of this Act, and any previous *Mineral Taxation Act*, shall be cancelled.

(4) A person who is the holder of an instrument that upon registration would vest title to a mineral or minerals in him may transfer the mineral or minerals to the Crown upon the terms and conditions applicable to an owner under the foregoing subsections, if the instrument vesting title in him and the transfer to the Crown are submitted for registration at the same time.

[R.S.A. 1955, c. 203, s. 27]

Extension
of time

28. (1) If anything to be done within a number of days or at or before a time fixed by or under this Act cannot be or is not so done, the Minister may from time to time by order appoint a further or other time for doing it, whether the time at or before or within which it ought to have been done has or has not arrived or expired, as the case may be.

(2) Anything done at or before or within the time specified in such order is as valid as if it had been done at or before or within the time fixed by or under this Act.

[R.S.A. 1955, c. 203, s. 28]

29. The Lieutenant Governor in Council may make such rules and regulations as are necessary or convenient for the purpose of carrying out the provisions of this Act. Rules and regulations

[R.S.A. 1955, c. 203, s. 29]

SCHEDULE A

1. The fair actual value for the purpose of assessment in any year of the petroleum within, upon or under the land allocated by the Minister to a well producing petroleum or petroleum and natural gas shall be one and one-half times the value at the average field price during the first three months of the year in which the assessment is made of all petroleum produced from the well during the preceding year. Schedule

Proviso Repealed 1957, c. 50, s. 13.

2. The fair actual value for the purpose of assessment in any year of the natural gas within, upon or under the land allocated by the Minister to a well producing either natural gas alone or both petroleum and natural gas shall be four times the value at three cents per thousand cubic feet of the natural gas produced from the well during the preceding year.

Proviso Repealed 1957, c. 50, s. 13.

3. The fair actual value for the purpose of assessment in any year of the coal within, upon or under any tract from which any coal has been recovered in the preceding year shall be an amount equal to three times the value at ten cents per ton of all coal recovered from the tract in the year immediately preceding the year of the assessment.

Provided that where the owner establishes to the satisfaction of the assessor that the amount of coal within, upon or under a tract is less than an amount equal to three times the amount recovered from the tract in the year immediately preceding the year of the assessment, the fair actual value of the coal within, upon or under the tract shall be the value of ten cents per ton of the amount of coal so established to the satisfaction of the assessor to be within, upon or under the tract.

[R.S.A. 1955, c. 203, Schedule A; 1957, c. 50, s. 13]

SCHEDULE B

FORM A

Form A

(Section 15)

"This is to certify that the assessment roll hereto annexed is the assessment roll for the year 19..... as revised by the Alberta Assessment Appeal Board.

"Dated at the City of Edmonton this day of
....., 19.....

.....
*Chairman of the Alberta
Assessment Appeal Board"*

[R.S.A. 1955, c. 203, Schedule B, Form A;
1957, c. 50, s. 14]

Form B

FORM B
(Section 25)

WARNING OF IMPENDING CANCELLATION OF TITLE
TO MINERALS

Take notice pursuant to *The Mineral Taxation Act* as amended from time to time that unless all taxes and penalties due and owing under the said Act with respect to the mineral or minerals contained in each certificate of title set out below are paid (on or before the date set out opposite that certificate of title), *or* (on or before the.....day of....., 19.....) the certificate of title will be cancelled with respect to such mineral or minerals and title vested in the Crown in the right of the Province of Alberta as represented by the Minister of Mines and Minerals free and clear of all encumbrances.

Certificate of Title No.	Name of Registered Owner	Address of Registered Owner	Description of Land	Date after which Title may be cancelled

.....
Deputy Minister of Mines and Minerals.
[R.S.A. 1955, c. 203, Schedule B., Form B]

FORM C

Form C

(Section 25)

NOTICE

To the Registrar of the Alberta
Land Registration District.

Take notice pursuant to section 25 of *The Mineral Taxation Act*, as amended from time to time, that in respect of the mineral or minerals contained in each certificate of title set out in the Schedule attached to this Notice, you are required to cancel the certificate of title of the owner in respect of the mineral or minerals contained in each certificate of title set out in the said Schedule, whereupon pursuant to the said section title, to the said mineral or minerals, free and clear of all encumbrances will vest in the Crown in the right of the Province of Alberta as represented by the Minister of Mines and Minerals.

.....
(*Deputy Minister of Mines and Minerals
or Assistant Deputy Minister or Superintendent,
as the case may be.*)

[R.S.A. 1955, c. 203, Schedule B, Form C;
1956, c. 33, s. 4; 1957, c. 50, s. 14]



1958

CHAPTER 10

An Act to amend The Coal Miners Rehabilitation Act

(Assented to April 14, 1958)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Coal Miners Rehabilitation Act*, being chapter 12 of the Statutes of Alberta, 1954, is hereby amended.

2. Section 2, subsection (2) is amended by adding immediately before the word "thousand" the words "and fifty".

Section 2
amended

3. This Act comes into force on the day upon which it is assented to.

Coming into
force



1954

CHAPTER 12

An Act to Provide Assistance in the Rehabilitation of
Coal Miners

(Assented to April 8, 1954)

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Alberta,
enacts as follows:

1. This Act may be cited as "*The Coal Miners Rehabil-* Short title
itation Act".

2. (1) The Lieutenant Governor in Council may author- Rehabil-
ize the Provincial Treasurer to expend moneys for any itation
purpose that will assist in the rehabilitation of coal miners
who have become unemployed in areas designated by the
Lieutenant Governor in Council.

(2) Amounts expended under this Act shall not exceed
in the aggregate the sum of one hundred thousand dollars.

3. This Act comes into force on the day upon which it Coming into
is assented to. force

THE COAL SALES ACT

CHAPTER 48

An Act respecting the Sale of Coal

1. This Act may be cited as "*The Coal Sales Act*". Short title
[1953, c. 21, s. 1]
2. In this Act, Interpre-
tation
(a) "coal" includes coke, briquettes, fabriccoal and other "coal"
coal products suitable for fuel;
(b) "regulations" means the regulations established "regula-
under this Act. [1953, c. 21, s. 2] tions"
3. The Lieutenant Governor in Council may from time Powers of
to time Lieutenant
Governor
in Council
(a) delineate and designate coal areas in Alberta,
(b) appoint inspectors for the purposes of this Act,
(c) make regulations
(i) requiring the registration of a trade name or
trade names for the coal mined from every
mine in Alberta,
(ii) requiring the use of a registered trade name
in the advertising, sale and shipping of coal
and in documents relating thereto,
(iii) respecting the sampling and analysis of coal,
(iv) respecting the use of analyses and other infor-
mation regarding coal in the advertising, sale
and shipping of coal,
(v) respecting the classification and grading of
coal,
(vi) prohibiting the giving of overweight in the
sale of coal,
(vii) prescribing the particulars concerning coal and
the place of mining thereof to be stated in a
shipping or other bill, invoice or weigh-ticket,
(viii) prescribing the records to be kept by wholesale
and retail dealers in coal,
(ix) prescribing the powers and duties of inspectors,
(x) prohibiting in respect of documents examined
by an inspector the alteration or destruction
thereof, or any substitution therefor, and
(xi) prescribing fees for any services or work per-
formed under this Act,
and

- (d) make such orders and regulations as are necessary to carry out the provisions of this Act according to their true intent, or to ensure the sale and shipment of coal in accordance with this Act.

[1953, c. 21, s. 3]

Offences
and pen-
alties

4. (1) A person who contravenes any of the provisions of this Act or of the regulations is guilty of an offence and liable on summary conviction,

- (a) if a natural person, to a fine of not more than five hundred dollars for each offence or to imprisonment for a term of not more than six months or to both fine and imprisonment, or
- (b) if a corporation, to a fine of not more than one thousand dollars.

(2) Where a corporation is guilty of an offence and liable under this Act or the regulations, the official having the general charge of the business of the corporation at the place where the offence was committed, also, is liable personally to the penalties prescribed for a natural person in subsection (1), apart from any liability of the corporation.

(3) Nothing in subsection (2) relieves the person who actually committed the offence from liability therefor.

[1953, c. 21, s. 4]

GOVERNMENT OF THE PROVINCE OF ALBERTA
DEPARTMENT OF MINES AND MINERALS

ALBERTA REGULATION 613/57

COAL SALES REGULATIONS

under

THE COAL SALES ACT

(O.C.'s 1008/54 and 1680/54)

(Filed December 24, 1957)

Interpretation

1. In these regulations, unless the context otherwise requires,
- (a) "A.S.T.M. standard methods" means the standard techniques and methods of sampling and analysis described in the publications of the American Society for Testing Materials designated D 492 (Sampling Coals Classed According to Ash Content) and D 271 (Laboratory Sampling and Analysis of Coal and Coke),
 - (b) "coal" includes coke, briquettes, fabricoal and other solid coal products suitable for fuel,
 - (c) "coal area" means a coal area established under section 5 of these regulations,
 - (d) "dealer" means any person, firm or corporation who sells coal, whether ordinarily engaged in the sale of coal or not,
 - (e) "Director" or "Director of Mines" means the Director of Mines appointed under The Coal Mines Regulation Act,
 - (f) "importer" means a person, firm or corporation who brings, or causes to be brought, coal into the Province for sale or resale in the Province,
 - (g) "inspector" means
 - (i) the Director of Mines, the Assistant Director of Mines, a District Inspector of Mines or an Assistant District Inspector appointed under The Coal Mines Regulation Act, or
 - (ii) a person appointed as an inspector under The Coal Sales Act,
 - (h) "manager" means
 - (i) with reference to a mine, the person who is the manager of the mine for the purposes of The Coal Mines Regulation Act,
 - (ii) with reference to a plant, the person having the supervision and control of the plant,
 - (i) "mine" means a mine as defined in The Coal Mines Regulation Act,
 - (j) "official commercial analysis" means the latest analysis of a coal recorded in accordance with these regulations,
 - (k) "operator" means a person, firm or corporation who operates a mine or plant producing coal and is the immediate proprietor, lessee or occupier thereof,
 - (l) "plant" means a place at which coal is processed, blended or in any way improved or conditioned for market,
 - (m) "ton" means a measure of weight of two thousand pounds as described in the Weights and Measures Act (Canada).

2. These regulations apply to all sales of coal except

- (a) sale of coal from a mine to an employee of the mine for his own household use,
- (b) sale of coal to a railway company,
- (c) sale, shipment, consignment or delivery of coal to an industrial plant that consumes at least ten thousand tons of coal annually, under an agreement as to the specifications of the coal.

3. (1) A driver of a truck who hauls coal from a mine

- (a) for his own use and consumption, or
- (b) for the use and consumption of a person in his neighborhood who has instructed the trucker to haul the coal as his agent or employee and whose name is shown on the invoice,

shall not be deemed to be a dealer solely because of such hauling.

(2) If a driver takes delivery of coal for another person in accordance with clause (b) of subsection (1), the operator in his records may show the driver or his principal as the person to whom the coal is sold.

4. (1) If a partnership, syndicate or other unincorporated group engages in the functions of a dealer, manager or operator, then each member of the partnership, syndicate or other unincorporated group.

- (a) shall be deemed to be a dealer, manager, or operator, as the case may be,
- (b) shall be responsible for carrying out the duties of the dealer, manager, or operator under The Coal Sales Act and these regulations, and
- (c) shall be responsible for any breach of such duties.

(2) Any notice given to a member of a partnership, syndicate, or other unincorporated group shall be deemed to be given to every member of the partnership, syndicate or other unincorporated group.

Coal Areas

5. (1) For the purpose of The Coal Sales Act and these regulations, the Province is divided into coal areas as delineated and designated in Schedule A to these regulations.

(2) Where a mine

- (a) is situated outside the coal areas delineated in Schedule A,
- (b) is situated within a reasonable distance of a delineated coal area, and
- (c) produces coal of which the analysis is within the range of typical analyses as shown in Schedule B of the Group attributed to such coal area in Schedule C,

the Director may assign the mine to such coal area for the purposes of The Coal Sales Act and these regulations.

Trade Names

6. (1) The operator of each mine in Alberta shall register at the office of the Director of Mines one or more trade names for the coal mined from his mine.

(2) Upon the coming into force of these regulations, a previous subsisting registration of a trade name shall be deemed to be made under these regulations.

(3) The operator of a mine outside Alberta who has registered a trade name for the coal of his mine with the proper authority of the province in which it is situated or with the government of Canada, may register the trade name at the office of the Director of Mines.

(4) Where the operator of a mine outside Alberta has not registered a trade name at the office of the Director of Mines, an importer shall register the trade name, provided, however, that if the operator of the mine applies subsequently to register the trade name, the Director may cancel the certificate of registration issued to the importer and issue a certificate of registration of the trade name to the operator.

(5) Where coal is imported from a place outside Canada, the importer shall register at the office of the Director of Mines a trade name for the coal which shall be the name of the coal as shown on the customs clearance papers prefixed by the name of the place at which the coal was mined.

(6) A dealer who blends two or more coals may register a trade name for the blend of coals.

(7) Subject to subsections (4), (5) and (6), no person other than an operator shall register a trade name.

7. An operator who operates two or more mines in the same seam in the same coal area may register at the office of the Director of Mines a trade name for coal mined at two or more such mines.

8. (1) A trade name shall not be registered if it is identical with a name applied to another coal, or so nearly resembling it as in the opinion of the Director to be likely to deceive, or if for any other reason the Director disapproves.

(2) If, upon an application under subsection (3) of section 6 of these regulations, the Director finds that the trade name is identical with a name applied to another coal, or so nearly resembling it as to be likely to deceive, the name of the province or other jurisdiction in which the coal is mined may be prefixed to the trade name, and the prefixed trade name may be registered at the office of the Director.

(3) If a trade name, through inadvertence or otherwise, is registered which is identical with the name applied to another coal, or in the opinion of the Director is so nearly resembling it as to be likely to deceive, the Director may cancel the registration of the trade name after he has given notice of intention so to do.

9. Where a change in the ownership of a mine or plant occurs and the old operator agrees to a similar change in the registration of the trade name of the coal from the mine or plant, the Director of Mines, upon application, may cancel the certificate of registration issued to the former operator and issue a certificate of registration of the trade name to the new operator.

10. (1) Where a coal or blend of coals for which a trade name has been registered has not been mined or otherwise produced for an uninterrupted period of five years, the registration of the trade name shall lapse.

(2) The Director of Mines shall be the sole judge as to whether or not the registration of a trade name has lapsed under subsection (1).

11. (1) An application to the Director of Mines to register a trade name shall be accompanied by a fee of one dollar for each trade name.

(2) If the Director approves the application he shall issue a certificate of registration of the trade name to the person entitled to register the trade name under section 6 or section 7 of these regulations.

12. (1) No coal shall be advertised, offered for sale or sold except under its registered trade name.

(2) No trade name or distinctive or identifying name other than the registered trade name shall be applied to coal when it is advertised, offered for sale or sold.

(3) A dealer, operator, or manager shall state in his advertising, or in any tender, oral or written, or in any communication concerning the use or sale of his coal, the registered trade name of the coal.

Sampling and Analysis

13. (1) All samples taken for the purpose of The Coal Sales Act and these regulations, shall be taken upon the direction of the Director of Mines.

(2) Samples shall be taken by an inspector or by an employee of the Department of Mines and Technical Surveys (Canada) who is accustomed to take samples in the course of his employment.

(3) A person named in subsection (2), preparing to take samples of coal from a mine or plant, shall advise the manager or operator of the mine or plant of his intention to do so, so that the manager or operator has the opportunity of being present or represented when the samples are taken.

(4) Samples shall be taken in accordance with A.S.T.M. standard methods of sampling coals, or by any practical modification of such methods agreed upon by the official samplers and the Director of Mines.

(5) Samples shall be taken

(a) in the case of coal mined in the Province, as near as is practicable to the loading point for transportation to the market, or

(b) in the case of coal mined outside of the Province and imported, at such point as the Director or a person authorized by him may decide.

(6) The inspector or other person taking a sample shall forthwith have it forwarded for analysis in accordance with the directions of the Director, and shall advise the Director that the sample has been taken and forwarded.

14. (1) All analyses made for the purposes of The Coal Sales Act or these regulations, shall be made by A.S.T.M. standard methods, subject to minor modification agreed to by the Director of Mines.

(2) Analyses may be made at laboratories of The Research Council of Alberta or the Department of Mines and Technical Surveys (Canada).

(3) The laboratory making the analysis shall report the result to the Director of Mines.

(4) Upon receiving the report of the analysis, the Director

(a) shall send a copy thereof to the manager or operator whose coal the samples represent, and

(b) shall

(i) record the analysis, or

(ii) direct that a new sample be taken and analysis made as soon as practicable.

(5) Upon recording an analysis, the Director shall forward a copy to the Department of Mines and Technical Surveys (Canada) and shall publish the analysis as provided in section 17.

15. (1) If a manager or operator is dissatisfied with the official commercial analysis of his coal or for any other reason desires that a new analysis be made, he may apply to the Director to have a new sample taken and analysis made, and thereupon the Director shall direct a new sample to be taken and analysis made as soon as practicable.

(2) An application to the Director of Mines under subsection (1) shall be accompanied by a fee of fifty dollars, but no fee is payable to the Director for a sampling or analysis unless made under subsection (1).

16. Sections 14 and 15 shall not be deemed to limit the right of the Director to direct a new sampling or analysis of a coal at any time.

17. (1) The Director of Mines shall maintain at his office a record of the official commercial analysis of each coal having a registered trade name.

(2) If a coal is sold in different sizes the Director may record different analyses for different sizes.

(3) Until a later analysis is recorded in its stead, the official commercial analysis of a coal or of a size of a coal is the analysis shown in the most recent edition of the Analysis Directory of Canadian Coals published by the Department of Mines and Technical Surveys (Canada).

(4) When the Director of Mines records an analysis of a coal, or size of a coal, it supersedes the existing official commercial analysis and becomes the official commercial analysis.

(5) The Director shall publish at least once a year the official commercial analyses for all coals, or sizes of such coals, for which analyses have been recorded since the most recent edition of the Analysis Directory of Canadian Coals referred to in subsection (3).

18. (1) No dealer, operator or manager shall sell, ship, consign or deliver coal which he knows, or might reasonably be expected to know, to be in substantial variance from the official commercial analysis of the coal, unless the invoice shows the coal sold, shipped, consigned or delivered to be off-grade coal and sets out the reason why it is off-grade.

(2) No dealer, operator or manager shall sell, ship, consign or deliver coal as off-grade unless there is reason to believe that the coal is off-grade.

(3) No analysis other than the official commercial analysis shall be used

(a) when coal is advertised, offered for sale or sold, or

(b) in any tender, oral or written, or

(c) in any communication concerning the use or sale of coal.

Classification and Grading

19. (1) Coals shall be classified according to their natures and properties in accordance with Schedule B to these regulations.

(2) The coal mined in a coal area shall be classified in the group in which the coal area appears in Schedule C to these regulations.

(3) The Lieutenant Governor in Council from time to time may amend the classifications in Schedule B and Schedule C with reference either to any area or to coal from a particular mine.

20. (1) Coal shall be graded according to size in accordance with Schedule D to these regulations and the sizes of coal shall be named in accordance with the said Schedule.

(2) All coal except Mine Run shall be screened to meet top and bottom size requirements set out in Schedule D for the size to which it is being graded; provided, however, that where the Schedule requires that the top size is indeterminate, no screen shall be used to determine, control or limit the top size and such coal shall be screened only with regard to the bottom size.

(3) All coal sizes shall be made on round hole perforations or their standard equivalent, and all advertising referring to sizes, where dimensions are quoted, shall state the dimensions on the basis of the diameter in inches of round hole perforations.

(4) Where other than round hole perforations are used, the round hole equivalent shall be determined on a basis approved by the Director of Mines.

(5) The substitution of a different size of coal than that shown on the invoice or bill of lading is prohibited.

(6) No top or bottom sizes other than those required or permitted by Schedule D shall be used.

(7) In all cases where reference is made to the size grading of any Group III, Group IV or Group V coal, the size of screen or screens, and only such size, shall be prefixed to and used as part of the size name and where the top size of a coal is indeterminate only the bottom size shall be so prefixed. (e.g. 4½-inch Lump or 2x4 Egg).

(8) If two or more size gradings of a coal are blended, the proportions in which the gradings are blended shall be set out whenever the size grading is required to be used by The Coal Sales Act or these regulations.

Weight

21. (1) Coal shall be weighed accurately, and where required for the purposes of The Coal Sales Act and these regulations, the weight shall be expressed in tons or pounds.

(2) Where coal is exported by vessel, the weight may also be expressed in long tons (of 2240 pounds) if the use of the two weights is clearly shown and distinguished.

22. The giving of overweight or the taking of underweight in the sale, shipment, consignment or delivery of coal is prohibited.

Sale and Shipping Documents

23. (1) The manager or operator shall cause to be prepared an invoice for each sale, shipment, consignment or delivery of coal from a mine or plant, and shall send or deliver one copy thereof to the person buying the coal, and shall retain a true copy thereof in the records of the mine or plant for at least one year.

(2) The invoice shall state

- (a) the name and post office address of the mine or plant from which the coal is sold, shipped, consigned or delivered,
- (b) the registered trade name of the coal,
- (c) the coal area from which the coal was mined,
- (d) the size grading of the coal,

- (e) the group classification of the coal,
- (f) the weight of the coal, and
- (g) a statement that the coal conforms to the official commercial analysis of the coal.

(3) Where coal is sold, shipped, consigned or delivered to a point outside Canada the provisions of this section do not apply.

24. (1) Where any coal is sold, shipped, consigned or delivered and the method of transportation requires the use of a bill of lading or other shipping bill, the manager or operator shall cause to be prepared a bill of lading or shipping bill in addition to the invoice required by section 23, and shall send or deliver one copy thereof to the person to whom the coal is shipped, consigned or delivered, and shall retain a true copy thereof in the records of the mine or plant for at least one year.

- (2) The bill of lading or shipping bill shall state
 - (a) the place and date of shipment,
 - (b) the shipper's name,
 - (c) the registered trade name of the coal and the screen sizes over and through which the coal was screened,
 - (d) the group classification of the coal,
 - (e) where the coal is in the form of briquettes, that it is coal briquettes.

25. (1) A dealer shall prepare a bill, weigh-ticket or invoice for each sale of coal, whether wholesale or retail, and shall send or deliver one copy thereof to the purchaser and shall retain a true copy for his records available to an inspector for at least one year.

- (2) The bill, weigh-ticket or invoice shall set out
 - (a) the name and address of the dealer,
 - (b) the registered trade name of the coal,
 - (c) the size grading of the coal, and
 - (d) the weight of the coal.

(3) Where a dealer makes a blend of two or more coals, the bills, weigh-tickets and invoices shall show, in addition to the particulars required by subsection (2),

- (a) the approximate percentages of the various coals in blend and their trade names, or
- (b) if a trade name for the blend has been registered, the registered trade name of the blend.

26. A dealer shall keep in his office for at least one year a record, available to an inspector, showing

- (a) the amount of coal purchased by him from each mine or plant from which his coal is obtained,
- (b) the trade name of each such coal,
- (c) the amount in weight of sales of each coal sold by him,
- (d) the size of coal disposed of in each sale,
- (e) the person to whom the sale is made, and
- (f) the original invoice and bill of lading of each car, truck, load or other load of coal received by him.

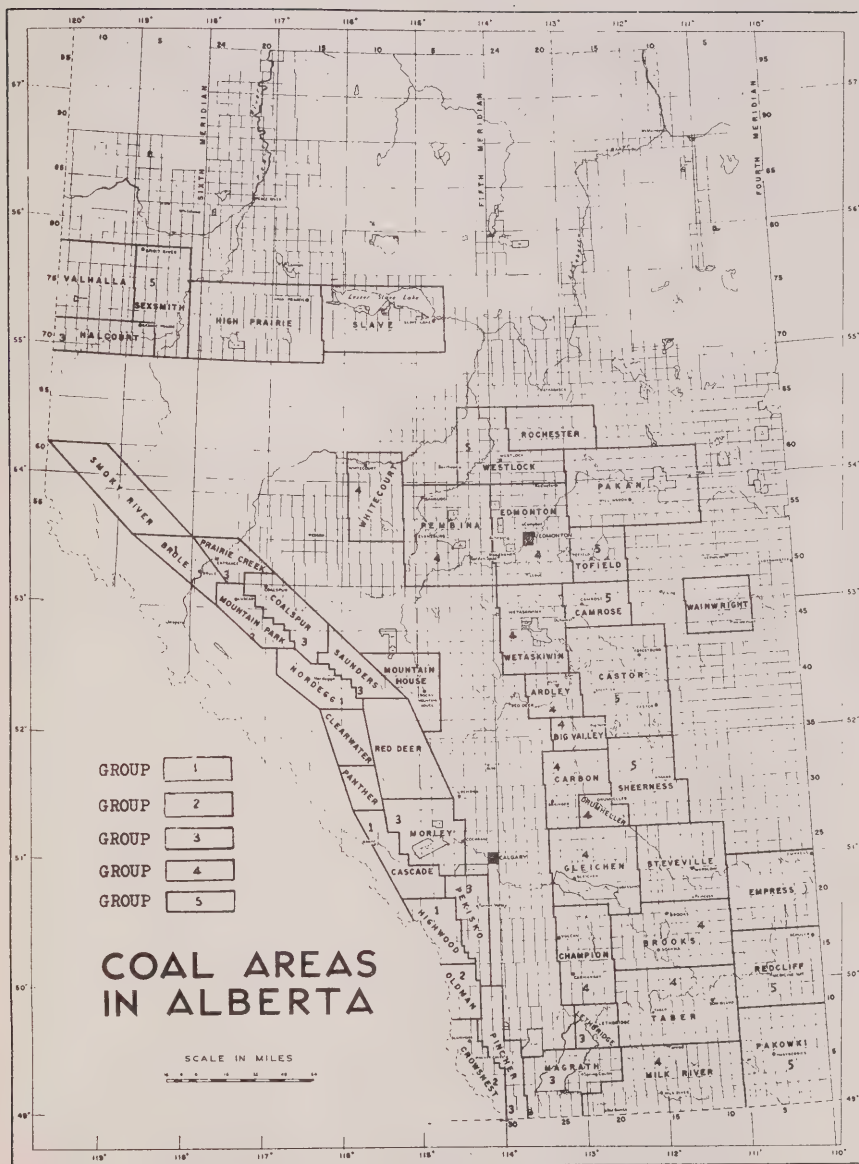
Powers and Duties of Inspectors

27. An inspector at any time may,

- (a) enter any plant in the Province producing coal and take a sample of the coal in accordance with these regulations,
- (b) inspect any coal in possession of a dealer, manager or operator or in the course of shipment, and take a sample thereof,
- (c) inspect any records required to be kept by these regulations,
- (d) inspect any invoice, shipping bill, other bill or weigh-ticket in the possession of any dealer, manager, operator or other person relating to any coal sold or shipped or about to be sold or shipped,
- (e) make any notation on any document inspected indicating
 - (i) that an inspection has been made,
 - (ii) whether or not the coal to which the document refers conforms with the information contained in the document,
- (f) where he believes there has been a breach of The Coal Sales Act or these regulations, take a copy of any document relevant to a sale under inspection and certify it to be a true copy of the document of which it purports to be a copy.

28. If a document has been examined by an inspector no one shall alter or destroy the document or substitute another document in its place for a period of at least one year.

SCHEDULE A



SCHEDULE B

A GENERAL CLASSIFICATION OF ALBERTA COALS BY GROUPS

Group I

Low volatile, non-caking and caking bituminous coals.

Range of Typical Analyses: Moisture 1 to 2%, Ash 8 to 10%, Volatile matter 10 to 16%, Fixed Carbon 73 to 80%, Heat Value 14,000 to 14,200 B.t.u. per pound.

Group II

Medium and High volatile caking bituminous coals.

Range of Typical Analyses: Moisture 1 to 4%, Ash 8 to 15%, Volatile Matter 20 to 36%, Fixed carbon 46 to 65%, Heat value 12,000 to 13,500 B.t.u. per pound.

Group III

High Volatile C bituminous non-caking coals.

Range of Typical Analyses: Moisture 7 to 12%, Ash 7 to 13%, Volatile Matter 32 to 35%, Fixed carbon 41 to 50%, Heat value 10,400 to 11,900 B.t.u. per pound.

Group IV

Subbituminous A and B non-caking coals.

Range of Typical Analyses: Moisture 16 to 25%, Ash 6 to 12%, Volatile Matter 26 to 32%, Fixed carbon 38 to 45%, Heat value 8,500 to 10,000 B.t.u. per pound.

Group V

Subbituminous B and C non-caking coals.

Range of Typical Analyses: Moisture 24 to 30%, Ash 5 to 9%, Volatile Matter 27 to 30%, Fixed carbon 35 to 40%, Heat value 7,700 to 9,000 B.t.u. per pound.

SCHEDULE C

Group I

Coal Areas:

Cascade—Low volatile bituminous; also semi-anthracite.

Nordeg—Low volatile bituminous.

Group II

Coal Areas:

Crowsnest—Medium volatile bituminous; also high volatile A bituminous.

Mountain Park—High volatile A bituminous and medium volatile bituminous.

Group III

Coal Areas:

Coalspur—High volatile C bituminous.

Halcourt—High volatile C bituminous; also subbituminous B.

Lethbridge—High volatile C bituminous.

Morley—High volatile B bituminous.

Pekisko—High volatile B bituminous.

Pincher—High volatile B bituminous; also high volatile A and high volatile C bituminous.

Prairie Creek—High volatile B and high volatile C bituminous.
 Saunders—High volatile C bituminous.

Group IV

Coal Areas:

Ardley—Subbituminous B.
 Big Valley—Subbituminous B.
 Brooks—Subbituminous B.
 Carbon—Subbituminous B; also subbituminous A.
 Champion—Subbituminous A; also subbituminous B.
 Drumheller—Subbituminous B.
 Edmonton—Subbituminous B.
 Gleichen—Subbituminous B.
 Milk River—Subbituminous A and subbituminous B.
 Pembina—Subbituminous B.
 Taber—Subbituminous A and subbituminous B.
 Wetaskiwin—Subbituminous B.
 Whitecourt—Subbituminous B.

Group V

Coal Areas:

Camrose—Subbituminous C; also subbituminous B.
 Castor—Subbituminous C; also subbituminous B.
 Edmonton—Subbituminous C.
 Pakowki—Subbituminous C and lignite.
 Redcliff—Subbituminous C.
 Rochester—Subbituminous C.
 Sheerness—Subbituminous C.
 Tofield—Subbituminous C.
 Westlock—Subbituminous C.

SCHEDULE D

SIZE GRADING OF ALBERTA COALS

Group I and Group II

Washed Furnace or Cobble—Top size variable; bottom size not to exceed 2½ inch round hole or equivalent screen.

Stove—Top size to pass through a 2½ inch round hole or equivalent screen; bottom size to be retained on a 1 inch round hole or equivalent screen.

Stoker—Top size to pass through a 1½ inch round hole or equivalent screen; bottom size to be retained on a ¼ inch round hole or equivalent screen.

Nut Slack or Slack—Top size not to exceed 1½ inch round hole or equivalent screen.

Mine Run—Unscreened.

Group III, Group IV and Group V

Lump—Top size, indeterminate. Bottom size, not to exceed $4\frac{1}{2}$ inches.

Egg—Top size, not to exceed $4\frac{1}{2}$ inches. Bottom size, $1\frac{1}{8}$ to 2 inches.

Mine Run—Unscreened.

Group III, Group IV or Group V coals having a top size of 2 inches or less, and only such sizes, may be sized and named by the producer, but for this purpose no name embodying the word "lump" or the word "egg" shall be used.

(Extract from *The Alberta Gazette* of January 31, 1958)



